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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial and second periodic reports of States parties

UGANDA

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PART ONE

COUNTRY PROFILE

PHYSICAL FEATURES

1. Uganda lies on the lofty plateau in the heart of Africa astride the Equator. Bounded on the east by Kenya, west by Zaire, north by Sudan and south by Tanzania and Rwanda, the country covers 240,000 sq. km of which 50,000 is open water and swamp while about 10,000 sq. km is forest.

2. Lying at an altitude of 1,200 metres above sea level, the land rises to 4,321 metres at the top of Mount Elgon on the eastern border with Kenya. The greater portion - the western border region is the limb of the great Rift Valley with lakes; Edward, George and Albert. The mountain ranges of the western region rise to form the famous "Mountains of the Moon" - the Rwenzori Mountains whose towering peak of 5,119 metres is snow capped.

3. Beyond the undulating emerald hills in the south is Lake Victoria, the second largest in the world, basking in the tropical sun. Included in the lake basin is Lake Kyoga.

4. Uganda is the cradle of the Great Nile, where it begins its long journey tumbling some 4,000 miles northward through Sudan and Egypt to the Mediterranean. Along the river Nile are beautiful waterfalls and rapids.

5. Lying in the north east are vast wide open grassland giving way to a near semi-desert in Karamoja where rocky hills interrupt the plains. In the south west of Uganda is the Muhavura Mountain with an active volcanic peak. The slopes are surrounded by the impenetrable Bwindi Forest, the home of the legendary mountain gorillas. The country also boasts of several game parks and gazetted forest teeming with wild and rare bird life.

6. The range of temperature does not vary greatly apart from the mountainous areas in the west and around Mt. Elgon in the east. Variation depends largely on differences in altitude although the proximity of Lake Victoria affects some areas. The minimum temperatures are found in July and August while the highest temperatures generally occur in February. The climate ranges between 5° C in the Kigezi hills and 32° C in Karamoja during the dry season.

7. There are two distinct rainy seasons in the southern part of the country; the peak rains are April, May and November while in the north there is one peak around August. Most parts of Uganda receive 1000 mm or more of rainfall in an average year with a minimum of 500 mm in the north east and over 2000 mm in Ssese Islands. The pleasantly mild climate gives a variation of bush vegetation and savannah grassland in the uncultivated areas.

THE POPULATION

8. According to the 1991 population census Uganda has 16.6 million people with an average density of 69 persons per square km. There are 8,124,700 males and 8,457,000 female thus the female exceeding the male population by 332,300 people. Ugandan's population census estimated to be about 1 million people in 1948 rose to 9.5 million at the time of the 1964 census and 12 million by 1980. Thus the demographic trends resulted in a rapid rate of population-growth by 1964. The 1991 population however portrays a decline in Uganda's population from 2.8 per cent to 2.5 per cent per annum over the past 22 years. The

internal conflicts which plagued the country between 1980 to 1985 resulted in numerous deaths. The Acquired Immune Deficiency Syndrome (AIDS) has also had its toll and the breakdown in health services in the past 20 years has also contributed to increased mortality rate. A big percentage (i.e. 49 per cent) of Uganda's population is comprised of very young people, below the age of 15 years (World Population Data Sheet, 1990). As such by the traditional economy, a large number of children are considered as an economic advantage for the rural family by increasing the number of the workers; on the other hand as the nation strives to develop socially and economically, a high dependency ratio strains the resources of individual households as children must be supported until they complete their education and secure employment.

TABLE 1

Some of the demographic indications of Uganda, 1991

Population	16.6 million
Female	8.6
Male	8.1
Rural Population	88%
Urban Population	12%
Sex Ratio	98%
Female Life Expectancy	52 years
Male Life Expectancy	49 years
Annual Population Growth	2.5%
Crude Birth Rate	50%
Crude Mortality rate	17%
Literacy Rate (Females)	36%
Literacy Rate (Males)	48%
Income per Capita	45 Dollars

Source: Ministry of Planning and Economic Development

9. Uganda is an amalgamation of 40 different ethnic groups. The major groupings are the Bantu, the Nilotics, Nilo Hamites and Sudanic. The Bantu, include the Banyankole, Bakiga, Banyoro and Baganda in the south and the Bagisu and Basoga in the east.

10. The Nilotics, a Luo speaking group include the Acholi, Lango and Alur in the north and the Jopadhola at the border with Kenya to the east. The other groupings are the Nilo Hamites comprising the Iteso and Karamojong in the north east and the Sudanic people like the Lugbara and Madi in the north west.

11. Prior to the imposition of the British colonial hegemony in the 19th Century, the people in the south lived under great kingdoms renowned for their civilization. Starting with the Chwezi and later Biito dynasty, these kingdoms extended over Bunyoro Kitara, Buganda, Toro and Ankole. In the non-kingdom areas the people lived under an egalitarian system of clan heads or age sets. The multiplicity of tribes meant that each had its own traditions and customary laws.

THE ECONOMY

12. Uganda is basically an agricultural country. Agriculture contributes 70 per cent of the GDP, more than 95 per cent of the country's export earning, provides the livelihood of about eighty per cent of the population and generates over 80 per cent of the agricultural labour force.

Though women account for a large percentage of the agricultural labour force we find that their contribution to the GDP is not considered; yet earnings of domestic workers are considered in the estimation of the GDP.

13. At the country's independence in 1962, the economy was fairly stable, but during the nine years of the dictatorial rule of Idi Amin, which ended in 1979, the economy hardly showed any signs of positive improvement e.g. there was a decline in coffee production which is the major income generating activity of Uganda and which contributes 90 per cent of the total export earnings.

14. The post Amin era saw a slight improvement despite the 1979 war which damaged most of the social services and infrastructure. The successive regimes became bogged down by civil wars and were forced into a cumulative financial debt crisis which worsened the situation and made room for the IMF backed structural adjustment programmes with dire consequences for women in particular.

15. Today with more security there has been improvement in some social services except in some parts of the north and east. Improvement has also been shown in the physical infrastructure, especially in the repair of roads even though the immediate benefits are yet to trickle down to the rural poor.

16. In the period 1971-1978, the GDP declined at an average annual rate of 1.6 per cent given a population growth of about 2.8 per cent a year, income per capita declined at a rate of 9.4 per cent per annum in the 1970s.

17. It was not surprising that declines were notable in all sectors of the economy particularly monetary, agriculture, industry, social services and the physical infrastructure. Table 2 below shows the data from 1982-1989.

TABLE 2

The Gross Domestic Product (GDP) per Capita Income and Distribution of Income

Year	Income in GDP per cent increase total GDP	Per Capita GDP
1982	5.7	3.1
1983	7.4	4.3
1984	8.5	11.3
1985	2.0	0.8
1986	0.3	2.4
1987	6.4	3.5
1988	7.2	4.3
1989	6.6	3.6

Source: Ministry of Planning and Economic Development, 1989

18. However, within the decade of the 80's there was a marked increase in the GDP and a high growth rate noted in the manufacturing sector. Real GDP over the years has been strong and remarkably consistent, 6.4 per cent in 1987, 7.2 per cent in 1988 and 6.6 per cent in 1989 (see Table 2). The food crop sector accounted for about half of the total gain in the GDP in the above mentioned period. The excellent seasonal conditions experienced in 1988-89 with above

average yields of food crops (especially cereals) contributed significantly to the above mentioned gains.

19. No detailed information on income distribution exists. The data available suggest that there is a very large group of urban and rural poor. Nevertheless, there is a small class of civil servants, traders and farmers who have acquired wealth from trade speculation rather than from land ownership or industrial production.

RATIFICATION OF THE CONVENTION

The date on which the convention came into force and a designation of how it is being enforced

The Country Context

20. Uganda ratified the Convention on the Elimination of All Forms of Discrimination against Women in July, 1985 and has continued to rally support for the implementation of this Convention in the social, economic and political fields.

21. The creation of the Ministry of Women in Development in March, 1988 was a gesture in that direction. Women have also been given a chance to participate in national politics through the Resistance Council system as it will be elaborated later. This has given them the opportunity to fight for their democratic rights. Prior to the formation of the Ministry of Women in Development, Culture and Youth; National Council of Women was registering and coordinating the activities of non-governmental women's groups.

22. The coming into force of the Non-Government Organizations' Registration Statute of 1989 unfortunately imposed a double registration procedure where women organizations were already required to register with the National Council of Women.

THE POLITICAL SYSTEM

23. At the onset of political independence in 1962, Uganda inherited a system tailored along the multi-party model. Elections were held and the Uganda Peoples Congress (UPC) in coalition with Kabaka Yekka formed the Government while the Democratic Party went into the opposition. The coalition, however, collapsed in the mid sixties enabling UPC, which had been strengthened by a number of opposition members of parliament crossing into it, to declare the country a republic and marginalize opposition parties.

24. A Military Coup took place in 1971 and subsequently Parliament was dissolved and political parties banned. For eight years the country was ruled by decrees promulgated by Idi Amin. Elections held in 1980 revived the multi-party system of government. However the present government which assumed power in January 1986 introduced a new system which set up a hierarchy of Resistance Councils and Committees (RCs). The apex of the system is the National Resistance Council (NRC) which is the legislative assembly as stipulated by the legal Notice No. 1 of 1986. The National Resistance Council has a policy organ called the National Executive Committee (NEC).

25. The idea of Resistance Councils and Committees introduced non-partisan elections of representatives/officials. The system is based on universal participation of all citizens over the age of 18 years, who are de facto members of the village Resistance Council (RC I), and who elect the village Executive Committee. All village Resistance Committees in a parish form a Parish Resistance Council (RC II) which elects the Parish Executive Resistance Committee.

26. The Parish Executive Committee Sub-County form the Sub-County Council (RC III) which in turn elects a Sub-County Executive Committee. Then all the sub-county Resistance

Councils form the County Council (RC IV) which elects a County Executive Committee. Also every sub-county and town council in the district elect two representatives from among themselves to form the District Resistance Council (RC V). The District Council elects a District Resistance Committee. A member of the National Resistance Council is elected by the RC IV Council of a county or municipality. A woman is elected at the district council as a female representative of the district.

27. The Resistance Committees are responsible for the implementation of the policies and decisions made by the Resistance Councils. Besides, they assist the police and the maintenance of law and order, security in their area and serve as a communications channel between the government and the people in the area, vet and recommend persons in the area who should be recruited into the Armed Forces, Police Force, Prison Services, and the Local Defence Force.

THE LEGAL SYSTEM

28. The Constitution of the Republic of Uganda is the supreme law of the land and provides for the legal existence of the Judiciary as an independent organization necessary for the rule of law. The hierarchy of the court system starts from the village level.

29. The village courts are legally established by the Resistance Committees (Judicial Powers) statute 1987 which gives members elected to these committees judicial powers to try some cases within restricted areas. At the county level, there are the RC III and the Magistrate Grade II courts and at the district level, the Magistrate Grade I, the Chief Magistrates courts. The RC courts have original jurisdiction, but an appeal lies to the Chief Magistrate's court from the RC courts, then second appeal to High Court and finally the Supreme Court. There also exists a revived General Courts Martial. These only settle cases which involve Military Personnel.

30. The courts apply the Statutory Law, and the Common Law and doctrines of equity which were introduced into the country during the colonial days. Side by side with these, their exist Customary Laws of different communities of Uganda and also Religious Laws.

31. The Church Missionary Society (CMS), who were the fore runners of the Anglican Church arrived here on 30th June, 1877 and transformed itself into the Church of Uganda. The Roman Catholic Fathers, the founders of the Catholic Church arrived here on 23rd February, 1879 while the Arabs who arrived here earlier than 1840 as traders introduced Islam into the country.

GOVERNMENT AND NON-GOVERNMENTAL ORGANIZATIONS THAT PROMOTE AND PROTECT THE ADVANCEMENT OF WOMEN

A. Ministry of Women in Development, Culture and Youth

32. Government recognized the vital and crucial role women play in National Development and decided to specially focus and lay emphasis on women who are, despite their large contribution to the economy, the least advantaged in society e.g. having no ownership rights to land but rather being only labour appendages to it. The Government therefore established an institutional framework within which issues related to women and problems they encounter in their undertakings could be addressed through the creation of the Ministry of Women in Development, Culture and Youth. Thus the overall function of the Ministry of Women in Development is to chart development programmes that would lead to the emancipation of women in all spheres of human endeavour through the formulation, and implementation of policy(ies).

Policy

33. The Ministry of Women in Development, Culture and Youth is in the process of adopting specific and streamlined policies on the economic, political/cultural sectors after a thorough assessment of women's needs and priorities. This is being done, nation wide, through the participation of women in the formulation stages of the policies that will affect them. The reason for this is that the 1980s witnessed a shift in development thinking, a change in development orientation, from the usual *top down* to *bottom up* approach, with target groups participating at all levels of development planning i.e. from policy formulation, implementation right through to evaluation.

34. In this, the Ministry is guided by the basic policy which is to raise the status and foster the emancipation of women from socio-economic, political and cultural bondages, with particular emphasis on economic emancipation and empowerment.

35. Objectives of the Ministry in relation to women are to:

Formulate and coordinate women in developmental issues;

Sensitize government organs on gender issues;

Coordinate women's non-governmental organizations (NGOs), in order to make women users of extension services and better contributors to government programmes;

Initiate and implement specific projects and programmes designed for the advancement of women; and

Inform and educate women on development issues.

36. Programmes of the Ministry include:

Training of Trainers, and sensitization to gender issues programme;

The promotion of women' s political and legal rights programme;

The promotion of economic emancipation of women programme;

Safe motherhood programme;

Credit support for productive activities of women's programmes; and

Promoting and coordinating income generating capacity of women's non-governmental organization programme.

Structure

37. Although very new and in the process of recruiting and appointing officers, the Ministry has already evolved a functional structure through which it will carry out its operations. The Department of Women in Development is headed by a Commissioner and is divided into five divisions.

The Legal Division

38. It is responsible for educating women about their rights under the law. The division carries out a review of all laws and initiates action; recommends reforms or amendment of those laws that are discriminatory and oppressive towards women. It conducts legal education to create legal awareness and legal counselling, and executes several viable legal programmes.

Planning and Projects implementation Division

39. This department is responsible for securing resources and adequately supervising the implementation of projects with active participation and involvement of women in the projects.

Research and Information Division

40. Initiates research in all aspects of women in development issues and is charged with the responsibility of investigating priority areas and setting up a research and documentation unit.

Education and Training Division

41. The division is responsible for the preparation of educational materials for various training courses, adult literacy classes for women and the initiation of programmes for girls who never attended school or are school drop outs.

The Women's Organization Division

42. This co-ordinates the activities of indigenous and international NGOs operating in Uganda, and liaises with foreign NGOs concerned with women in development issues.

43. All these divisions are headed by Senior Women Officers. They are expected to penetrate all sectors both urban and rural and facilitate the achievement of equal opportunities for women and their full integration in the main stream of the development process.

B. The Directorate of Women Affairs in the NRM Secretariat

44. The Directorate of Women Affairs in the National Resistance Movement Secretariat, among others, is actively involved in the politicization, raising consciousness and awareness raising on gender-related issues. The Directorate works through the structure of the Resistance Committees and Councils, and particularly the Secretaries for Women, penetrating all levels of the Resistance Committees, reaching the grass root as it extends from village, parish, sub-county, and county up to district level. At every level, there is a Secretary for Women responsible for mobilizing women politically, economically and otherwise, while at the same time acting as the women's mouth piece on the committees and councils that govern the areas. Although there are many constraints and shortcomings to the work of these women leaders, there are, however, some positive results already registered.

C. National Council of Women

45. The National Council of Women, a corporate body established by Decree No. 3 of 1973, is a semi-parastatal within the Ministry of Women in Development, Culture and Youth. It is an umbrella organization coordinating the activities of women NGOs, some groups, clubs and organizations. It has about 40 affiliate women groups and organizations.

46. The objectives of the Council are:

To provide an umbrella through which women groups and organizations may communicate and coordinate their ideas and activities;

To promote and encourage the formation of girls and women organizations;

To establish channels through which financial benefits and social amenities may reach all areas of Uganda; and

To provide amenities for care, education and general welfare.

47. Under the umbrella of the National Council of Women, women have mobilized themselves into groups and formed cooperative societies, borrowed land from land owners and municipalities and are heeding government's call for an increase in agricultural production. Results are evident not only in farming activities but also in animal husbandry, where women are teaching themselves methods of improving their local breeds. Cross-breeding is widely practised with demonstration lessons on breeding techniques, conducted in already established farms.

D. Non-governmental organizations (NGOs)

48. The existence of the Non-Governmental Organizations statute 1989, reflects the importance government attaches to the role NGOs play in the advancement of women. The outstanding non-governmental organizations that strive to promote the development of women are, the Uganda Association of Women Lawyers (FIDA - Uganda Chapter), Action for Development (ACFODE) and the Young Women's Christian Association (YWCA). Others are the Association of University Women, Association of Uganda Women Medical Doctors and the Uganda Women's Finance and Credit Trust (UWFCT). All these NGOs are dedicated to improving the professional, legal and educational outlook of women. Some of the NGOs are carrying out legal and political educational programmes on the rights of women and others are engaged in providing credit and related training and technical assistance to women's groups and individuals already engaged in income generating activities or starting viable enterprises in agriculture and small scale industries.

E. The Legal Mechanisms, Remedies and Resources available to Women

49. Currently there is no clear cut legal mechanism, nor are there any coordinated pools of resources in favour of women. At present there is no gender specific machinery either within the Constitution or Statutory law to address this problem. Unlike in developed countries, there exist very few crisis centres for the battered women or child abuse centres partly due to the dogmatic approach that tradition imposes on women's status.

50. The Constitution itself creates no entrenched institutional framework for women's issues as most of the laws are gender neutral giving rise to de facto discrimination. The recent ad hoc measures to focus on women's problems at the national level have already exposed the magnitude of the problem and created an atmosphere where it will be possible to exploit existing provisions of criminal law, law enforcement machinery and political participation of women to pass laws specific to women's issues. The traditional system which is being amplified by the village committees will no doubt raise fundamental questions as to their gender composition, male domination and the inelastic capacity to address issues of discrimination against women.

PART TWO

REPORTING UNDER THE SPECIFIC ARTICLES OF THE CONVENTION

ARTICLE 1

DEFINITION OF DISCRIMINATION

> "For the purpose of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

51. The ratification of the Convention by Uganda meant the adoption of the definition of discrimination contained in the Convention. However, there has been no law or statute passed or amended to incorporate that definition; as required under the convention.

Gender Neutrality

52. Chapter 2 of the Constitution (1967) states that every person in Uganda shall enjoy equal protection of the law of Uganda. It also states that every person shall enjoy the fundamental rights and freedoms of the individual which includes the rights to life, liberty and freedom of the individual, security of the person and the protection of the law, protection for the privacy of the home and other property; so according to the Constitution, it would rather appear that both men and women have equal status under the law.

53. Since the Constitution is the basic law of our land, it means that all the laws which stem from it reflect the nominal equality formula as between men and women in matters regarding the following:

Employment;
Education;
Contracts;
Political Rights;
Health;
Economic and Social Benefits;
Personal Laws.

54. This general guarantee in the Constitution would have given sufficient protection to women's right but for the fact that the Constitution is ominously silent on women's issues. A persistent reference to the male gender by the application of "he" throughout the Constitution is not sufficiently remedied by the interpretation decree 1972 which merely says:

> "words and expressions importing the masculine gender include females"

55. The Constitution itself is conspicuously silent on gender. Indeed the Constitution and other laws will always refer to citizens, persons and spouses in neutrality whereas the legal system and machinery is clearly moulded from men's lives and needs.

Discrimination

56. Article 20 of the Constitution deals with protection from discrimination on certain grounds. It provides that subject to certain exceptions "no law shall make any provision that is discriminatory either of itself or in its effect." For purposes of this article "discriminatory" is defined to mean:

> "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour or creed whereby persons of one such description and subjected to disabilities or restrictions which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description."

57. The article goes on to spell out a proviso to the effect that the prohibition

> "shall not apply to any law so far as that law makes provision ... "
>
> "(d) with respect to adoption, marriage, divorce, burial, devolution of property on death or other personal law ... "

58. These happen to be areas of law that personally affect women very much. So the effect has been that there are many laws which do not accord equality between men and women, in matters of marriage, divorce, inheritance and other family-related matters. This provision also leaves room for customary laws and practices and administrative procedures to discriminate against women. The omission of sex as a ground for discrimination is not only permissive but legalizes the enactment and application of personal and customary laws that discriminate against women. Indeed no personal law in Uganda may be challenged on the ground that it is discriminatory on sex grounds. The same may be said of most of other laws.

59. The legal framework for ensuring the protection of human rights and fundamental freedoms in Uganda as enshrined in the Constitution has at times failed to guarantee their effective protection. It will be observed that while some positive provisions exist on the statute books, the law enforcement organs have not been effective. First of all, government limits its liability for torts committed by its agents. Under the Government Proceedings Act Chapter 69 Laws of Uganda, unless an act is expressly or implicitly authorized by government or incidental to something the government servant is authorized to do, the government will not be held liable.

ARTICLE 2

POLICY, MEASURES UNDERTAKEN TO ELIMINATE DISCRIMINATION

> "States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:
>
> > (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated

> therein and to ensure, through law and other appropriate means, the practical realization of this principle;
>
> (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
>
> (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
>
> (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
>
> (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
>
> (f) To take all appropriate measures, including legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
>
> (g) To repeal all national penal provisions which constitute discrimination against women."

60. Uganda has set in motion a policy to uplift women to an appropriate level of participation in National Development. To this end certain policy statements have persistently been made. The President of the Country in his 8th March, 1990 Women's Day speech stated that the government policy was to achieve equality.

He said:

> "Equality is both a goal and a means whereby individuals are accorded equal treatment under the law; and equal opportunities to enjoy their rights and develop their potential talents and skills so that they can participate in the political, economic, social and cultural development."

61. Some weeks later the President called on women lawyers at an Association of Women Lawyers Conference to review all laws that discriminate against women and make appropriate recommendations to the law makers.

62. However, the Constitutional provision that permits discrimination has not been repealed. No "equal" statute has yet been enacted and no constitutional or administrative tribunal has been set up to address violations of women's human rights and other rights and freedoms. What has been achieved so far are the preliminary policy and political formalities to introduce a mechanism for elimination of all forms of discrimination.

Constitutional Making Process

63. Since independence, several changes in the Constitution have been effected. Government has now appointed a Constitutional Commission to make a new Constitution with the consultation of the people at large. Out of a total membership of twenty one, two Commissioners are women. The Commission has visited places around the country addressing seminars and rallies. Unfortunately, it was observed that the turn up of women was invariably

and extremely low. Consequently the Ministry of Women in Development, Culture and Youth started its own Constitutional Consultation Project exclusively for women and this has registered remarkable success. After an initial training phase, the project has matured to the stage when women's views were collected, gathered and analyzed and submitted to the Commission. Women's reaction were at first slow due to their pre-occupation with no or little leisure time for political participation. The cultural attitudes also tended to alienate women from struggling for public rights and most are not sensitized to gender issues due to lack of education, apathy and resignation. This is illustrated by the voter turn out amongst female representatives to the Makerere University Campus Village Committee elections. In those elections an average of only 12 per cent of the women turned up to vote. The more distant the polling centre was located from the women's halls of residence the fewer voters turned up. In one case only 2.7 per cent of the voters turned up when the polling centre was located 400 metres from the hall. When the centre shifted to the residence hall itself, 22.6 per cent voters turned up. (Source: Election Statistics from Report of Official in Charge)

Law Reform

64. Government has generally intensified its legislative tempo by introducing numerous new statutes and amendments. In the area of women protection, it has introduced a death penalty for men convicted of rape and defilement. It is hoped that it will bring about the intended deterrence. However, the substantive law of rape, its definitions, ingredients, standard of proof and investigative machinery have remained unchanged. People conversant with the common law are aware of the difficulty of proving rape in a court of law and given the attitudes of the male dominated police force and the handicaps in crime detection, many loopholes still exist.

65. A Law Reform Commission statute has been passed by the NRC. The Commission is to be an independent body and it is hoped will be in a position to bring about faster measures to eliminate discrimination against women. The Ministry of Women in Development, Culture and Youth has also embarked on a Law Reform Project and a programme which is geared towards improving the political, social and legal rights for women. A legal education programme is being implemented with the aim of training the women to have access to legal advice and information on existing laws.

ARTICLE 3

BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ON AN EQUAL BASIS WITH MEN

> "States Parties shall take in all fields, in particular in the political, social, economic and cultural, all appropriate measures, including legislation, to ensure the full development of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedom on a basis of equality with men."

66. Since the Government of Uganda ratified the Convention a number of very positive steps have been taken towards achieving the objective of article 3. With respect to the basic human rights and freedom on an equal basis with men, there exists constitutional guarantees in the Constitution of 1967 as stated earlier on.

67. The only snag is that they have not been fully enjoyed by the women due to the reasons already given. The new Constitution which is in the process of being made is expected to remedy most of the short comings in the existing Constitution.

68. Furthermore, Uganda has also ratified the African Charter on Human Rights of the Organization of African Unity of 1986. States parties are bound to ensure non-discrimination against women, and to protect their rights. Once this charter is implemented by enacting it in Uganda domestic laws, it will be instrumental in advancing the legal status of women.

The Office of the Inspector General of Government:

69. The government established an Ombudsman called the Office of the Inspector General of Government (IGG) by statute 2 of 1988 to receive and investigate complaints from the public relating to abuse of power and violation of human rights among other things. Among its functions laid down in Section 7 (1):

> "The Inspector General is charged with the duty of protecting and promoting the protection of human rights and the rule of law in Uganda, and elimination and fostering the elimination of corruption and abuse of public offices, and without prejudices to the generality of the foregoing, he shall perform the following function:
>
> a) To inquire into allegations of violation of human rights committed against any person in Uganda by a person in a public office, and in particular:
>
> > i) the arbitrary arrest and consequent detention without trial;
> >
> > ii) the arbitrary deprivation of human life;
> >
> > iii) the denial of a fair and public trial before an impartial and independent court of law;
> >
> > iv) the subjection of any person to torture, inhuman degrading treatment; and
> >
> > v) the unlawful acquisition, possession, damage or destruction of private property.
>
> b) To inquire into the methods by which law enforcing agents and the state security agencies execute their functions, and the extent to which the practices and procedures employed in the execution of such functions uphold, encourage or interfere with the rule of law in Uganda;
>
> c) To take necessary measures for the detection and prevention of corruption in public offices and in particular:
>
> > i) to examine the practices and procedures of the said offices in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedure which, in the opinion of the Inspector General may be conducive to corrupt practices;
> >
> > ii) to advise the said offices on ways and means of preventing corrupt practices and on methods of work or procedure conducive to performance of their effective performance of their duties and which, in the opinion of the Inspector General, would reduce the incidences of corruption;
> >
> > iii) to disseminate information on the evil and dangerous effects of corruption on society;
> >
> > iv) to enlist and foster public support against corrupt practices; and

v) to enlist and investigate complaints of alleged or suspected corrupt practices and injustices and make recommendations for appropriate action therein;

d) To investigate the conduct of any public officer which may be connected with or conducive to:

i) the abuse of his office or authority;

ii) the neglect of his official duties;

iii) economic malpractices by the officer; and

e) To perform any other functions that the President may prescribe."

70. Although this office has no special desk for women affairs, women are free to present their problems on the same basis as men. Most complaints so far received in the office involve the right of a widow in the estate of her deceased husband and cases of relatives intermeddling in such property; eviction from government houses and unfair dismissals from employment among others. An example is where a widow after obtaining an order of Guardianship of her children was denied the same by the Administrator General. On the intervention of the IGG the right was restored. In another case a husband was using the police to harass a wife after judicial separation in civil matter. Disciplinary action was taken against the police officer who had authorized this. There are many cases of widows who get frustrated by court cases taking too long while the relatives plunder the deceased's property.

71. Violation of human rights by armed persons in Uganda has been so rampant since independence that some special measures were called for. In order to curb such violent transgressions by men in army uniforms during which women have been helpless victims, the government by Decree of 1987 promulgated a legal notice a schedule to which is the Code of Conduct for the National Resistance Army. Code No. 8 provides thus:

> "Never develop illegitimate relationship with any women because there are no women as such waiting for passing soldiers yet many women are wives or daughters of somebody somewhere. Any illegitimate relationship is bound to harm our good relationship with the Public."

72. Code No. 13 (A) (iv) stipulates that a soldier found guilty of rape shall be sentenced to death. Code No. 10 and 11 establish the General Court Martial and the Unit Disciplinary Committees. The army has generally revived the Court Martial and many soldiers who have been arrested and successfully prosecuted and convicted have been executed.

Legal Aid

73. In 1970, the Law Development Centre was established by an Act of Parliament with legal aid as one of its functions. The same year the Advocates Act 1970 was passed establishing the Law Council with one of its responsibilities being to supervise and control legal aid. The services started in 1972 by the establishment of a "Community Legal Assistance Scheme" which was later to be incorporated into a National Legal Aid Scheme run by the government. Unfortunately, the scheme never took off.

74. Apart from this, Uganda has a complicated court system based on the English Court System inherited from the colonial era. Whereas in criminal cases the government is always represented by a qualified lawyer and the prosecutor is either a qualified lawyer or a policeman, most women will not have the required fees for an Advocate and may find it difficult to cope. The judicial system itself cannot be understood by an ordinary person. It is headed by a Chief Justice, appointed by the President. The appellate court is the Supreme Court headed by the Chief Justice. The other judges are appointed by the President on the advice of the Judicial Service Commission. Below the high court are the Chief Magistrates Courts headed by the Chief Magistrates, Magistrate Grades 1 and 2. Most cases that deal with women issues are heard by these formal courts which are divorced from the ordinary man. The language of the Court is English. All this hinders the implementation of the Convention as far as womens' legal rights are concerned.

75. There is very limited official legal help to women who are unable to pay for it. In Criminal matters there is the Poor Persons Defence Act which provides for some limited legal help. Where it is desirable in the interests of justice, that an accused person should have legal aid, but his or her means are insufficient to enable him or her to obtain that legal aid, a Magistrate, Judge or court Registrar may certify that he or she ought to have such legal aid. So an advocate can be assigned to him or her to assist in the preparation and conduct of his or her defence at the trial, and the government pays for the advocate's services. In actual practice such legal aid is extended in cases where a man or woman is charged with a capital offence, that is, where the punishment is death, such as murder, treason, aggravated robbery, and recently, rape.

76. In civil matters there is a procedure in the Civil Procedure Act, whereby any man or woman who is a pauper, that, is a person who does not have sufficient means to enable him or her to pay the fee for a plaint can apply to the court for permission to sue as a pauper. The application procedures are very elaborate and there is strict proof required to show that one is a pauper. There is also a risk in resorting to the pauper proceedings because if the suit fails, or is withdrawn, or dismissed, the court may order the pauper who sued to pay the costs. So hardly any woman makes use of this little known limited legal service, either because of ignorance or fear.

77. In 1988 Uganda Women's Lawyers Association opened a legal Aid Clinic with the aim of assisting poor women and children. It is run like any other law firm but is supposed to render free services. By December, 1990 it had handled over 600 cases.

78. The problem is that most of its programmes are partly funded by foreign and local donors. It is not self sustaining and finds it difficult to expand its programmes as the government has not rendered it any material or other definite support. Besides, it has only one office in the capital which is not easily accessible to all women. Thus this clinic is limited to those very few women who can reach or who reside in Kampala.

ARTICLE 4

TEMPORARY MEASURES TO ACHIEVE EQUALITY

> 1. "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

> 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory."

79. As explained elsewhere in this report the government decided to redress the sex imbalance in the country's political life by an electoral system whereby each District elected a woman representative to represent women in the National Resistance Council (National Legislature). The administrative division of the country into 38 districts meant that there would be 38 women representatives in the National Legislature. As was to be expected only two women were elected to the National Legislature in direct competition with men, and only three women out of twenty persons were "especially nominated" to the Assembly bringing the total of 43 women out of a full house of 269 members. With district elections for a woman representative the women compete amongst themselves for the seat, although the vast majority of the people electing them at this level are men. This measure was meant to tackle the problem of under-representation of women at the highest national policy-making organ of government and has meant that national laws, policies and issues, especially those affecting women and children can be closely scrutinized and debated by the women members before decisions are made or laws passed. The effect of increased numbers of women in the National Legislature was felt during the recent debate on the Penal Code (Amendment) Bill, which dealt with some legal provisions intended to safeguard women and young persons from sexual abuse. The women representatives were very vocal and forceful during the debate, so much so that they managed to influence the male representatives to agree to the enhancement of the punishments to be meted out to sex offenders. The result was that a person convicted of defilement of a girl under 18 years, shall be liable to suffer death.

80. In this electoral system, a committee of nine people is elected at various levels, and includes at least one woman member. These councils of nine go to the next level (Parish) where they elect inter alia, a woman. This goes on to level 3 (Sub-County level) then level 4, (County Level), until 5, the District Resistance Council, where the District Woman Representative is elected by the District Resistance Council either from its membership or from outside.

81. This measure is viewed as "favouritism" to the women by some people, but since it is mostly the men who make up the majority in the "Electoral College" which elects them, it is at best a figment of positive discrimination inherent in the electoral law which was followed in the 1989 elections when the measure was introduced for the first time.

82. Another affirmative action has been taken in the field of education. There are very few women students at university level, compared to men (ratio is about 1:5), consequently efforts have been undertaken to increase the female intake. Female applicants for entry to university have been given some extra points over and above earned points. The female applicants have the advantage of an additional 1.5 points and this has increased the female intake in the 1990-1991 academic year. This measure has just been introduced with effect from this academic year 1990-1991. Its successes cannot be evaluated yet and its effect may not be felt until after a number of years.

83. This positive measure would not be considered discriminatory since the female applicants must have the mandatory minimum points, or entry qualifications, to begin with which are equally applicable to the male applicants. This measure is more elaborated on in article 10 of this report in table 16.

ARTICLE 5

ACTION BY THE GOVERNMENT TO MODIFY CULTURAL PATTERNS THAT DISCRIMINATE AGAINST WOMEN

"States Parties shall take all appropriate measures:

> (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped role of men and women;
>
> (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

84. To understand discriminatory behaviour and stereotyped roles it is essential to see it in the context of relations between men and women and more specifically between husband and wife. It is necessary to note from the outset that there has been significant changes in these relationships from the pre-colonial period, through colonialism with new ideas infiltrating our societies, and then the post colonial period which has been full of socio-political and economic upheavals.

85. Social and cultural patterns in Uganda vary and still vary in detail from place to place and in some instances, clan to clan. However, there are some common characteristics that feature in all these cultures. For example most communities in Uganda were and are still male-dominated land the women have a traditionally imposed second place (inferior status) in these societies. Within the families men and women are associated with culturally imposed sex roles and constraints with shared self-images, attitudes and ambitions for both sexes. This process has been common everywhere in Uganda.

86. Traditionally girls in the home and community were expected to be quiet, humble, shy, dependant, tolerant, passive and obedient, and boys were expected to be strong, active, confident, aggressive, competitive and combative. Because of such differences in expected behaviour, women as well as men were conscious of differences in responsibilities of a young girl. These include household chores like fetching water and firewood, washing, cooking, cleaning the home, digging and looking after the younger ones, if any.

87. A girl was groomed for marriage. The role of a woman, thus precipitated into primarily that of a wife, mother and producer of food; all such roles which are traditionally associated with women, came to be regarded as menial, inferior. On the other hand boys were allowed more leisure time. They were exposed to greater sophistication and knowledge or competence in the world outside the home. Generally, these gender-related roles have continued in Uganda; men associated with aggressiveness and dominance, and women with passivity and obedience.

88. Whereas the Constitution of Uganda, 1967, guarantees the equality of both sexes, nevertheless customary practices which are not repugnant to natural justice have the force of law in Uganda. It is these practices that limit a woman's right to equality because they enhance her traditional position of a woman as a second rate citizen.

89. Seminars for women leaders as trainers have been organized by the Ministry of Women in Development, Culture and Youth to sensitize them among other things about the social and cultural patterns that hitherto hindered their advancement.

90. Some of the NGOs affiliated to the Council which have addressed the issues of sex and stereotyped roles among others are the Uganda Association of Women Lawyers (FIDA - Uganda Chapter), University Women's Association, Action for Development (ACFODE), Mothers' Union, Young Women Christian Association (YWCA); The Muslims League, Catholic Guild etc. All these groups have programmes which have put new emphasis on consciousness-raising and the need to lobby and pressurize for positive allocation of the available resources to correct past discrimination. Some other groups have used the media to educate and inform on gender issues.

91. All education campaigns are expected in the long run to influence social attitudes towards the traditional roles of the woman. Illiteracy is very high among Ugandan women and it has been recognized as one of the set backs in reaching fellow women in rural areas. The National Council of Women has started a campaign to encourage women NGOs start literacy classes for their illiterate members and the local community. The Council has assisted several groups in Lira, Apac and Masindi to initiate literacy classes. This helps women to develop a better self-image which is the first step towards emancipation from sex role constraints and stereotypes.

92. Attempts are being made by the Ministry of Women in Development, Culture and Youth to change cultural patterns which discriminate against women through law reform activities. However, it has been observed that changes in the law alone will not necessarily improve the status of women, all implementing institutions such as the police and courts should be well streamlined and the attitudes should change.

93. Changes in the status of women is a gradual process and may take several years, therefore Uganda needs to sustain this effort by continuing to encourage specific programmes to address the problem of women and extending it to sectors in the country that are dominated by men.

ARTICLE 6

TRAFFIC AND PROSTITUTION OF WOMEN

> "States Parties shall take all appropriate measures, including legislation to suppress all forms of traffic in women and exploitation of prostitution of women."

94. In Uganda, prostitution is regarded as a social evil emanating from social injustices, which if possible needs to be eradicated. However, it is not organized on a commercial basis. There is more irregular concubinage than prostitution per se. This has resulted in an increase of illegitimate children with no security of a home background with the attendant manifestations of delinquents or the so called "bayaye". A study done in East Africa identified four types of prostitutes in Uganda. The four categories are:

The prostitute who sits in her room waiting for men to call on her and usually has a scale of fixed charge for her services;

The woman who frequents bars and night clubs where she gets her clients;

The high-class prostitute who hangs around expensive hotels, dressed attractively, uses make-up and caters mainly for Europeans, Americans and other well-to-do Africans; and

The prostitute who has a regular paid employment but accepts clients to supplement her income.

95. Prostitutes in Uganda prior to the 1990 Penal Code Amendment Statute were much more free to practice their trade with little interference and coercion. There was no regulation which subjected them to compulsory medical check-up or to have licences to ascertain whether they were fit and proper persons to indulge in the trade. They are now definitely regarded as a threat to society who undermine organizations, like AIDS Control Programme, which are trying to control the spread of AIDS and other sexually transmitted diseases. There is however still need to formulate specific policies and programmes by the government to directly address the problem of prostitution in Uganda.

96. According to the law, the procuring, enticement and prostitution of women by threats or intimidation, false pretences or with the aid of drugs in Uganda was until recently a misdemeanour punishable by a term of imprisonment of less than three years under Chapter V of the Penal Code. Sections 7 to 17 of the recently enacted Penal Code (Amendment) Statute No. 4 of 1990 has enhanced the possible sentence to a term of imprisonment for seven years. These amendments have enumerated various offences and introduced more stringent sentences. It is illegal to practice and engage in prostitution for which a sentence of 7 years imprisonment has been introduced. Prior to the recent amendment only those who lived on immoral earnings of a prostitute herself or himself were the only ones punished.

97. A new Section 134 A, introduced by the amendment defines a "prostitute" (and "prostitution") as:

> "A person who in public or elsewhere regularly or habitually holds himself or herself out as available for sexual intercourse or other sexual gratification for monetary or other material gain and "prostitution" shall be construed accordingly."

98. These new provisions clearly define a "prostitute" and the penalties for being one. The inclusion of both genders takes care of the corollary factor that for a woman to sell herself for sex there must be a man who pays for it for his gratification or vice versa.

99. The risk of heterosexual AIDS and its consequences may have prompted this all embracing definition. The title to the amendment statute states its intention as:

> "providing for additional sexual offences punishable by law in order to protect the family as an institution, to safeguard women, children and young persons from sexual abuse, to curb the spread of endemic diseases and generally to increase penalties for other related offences ... "

100. The Law as amended further extends the age category of protected males and females from 14 to 18 years. It also authorizes a Magistrate to issue a search warrant to enable a rescue to take place irrespective of age or sex of the person detained for sexual purposes. It is envisaged that this provision may give very wide powers to the Police, Resistance Committees Officials and private citizens to mount operations against suspected brothels and other lodges which thrive on permissive sexual practices.

101. The law further makes it illegal to keep a house, room, set of rooms or place of any kind whatsoever for prostitution, and makes this punishable by imprisonment for seven years. The constructive definition of prostitution as holding oneself as available for sexual intercourse/gratification for monetary or other material gain, substantially enlarges the scope of the offence to include situations of sexual exploitation of women by corrupt bosses in places of employment, whereas the security of tenure of employment and or hopes of promotion may amount to material gain. In this way moral corruption, on the increase, and quietly indulged in by persons in authority, may become punishable where the offence was limited to street soliciting only.

102. The quantification of material gain will have far reaching consequences in almost all sectors of the community giving the relationship of chiefs/headmasters to their female villagers/pupils; bosses and their subordinates, etc., a new dimension.

ARTICLE 7

PARTICIPATION IN PUBLIC AND POLITICAL LIFE

> "States Parties shall take all appropriate measures to eliminate discrimination, against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:
>
> (a) To vote in all elections and public referenda and to be eligible to all publicly elected bodies;
>
> (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
>
> (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country."

103. The National Resistance Movement (NRM) government came to power and promised fundamental change in the politics of Uganda. Determined to carry out its promises contained in its political programme, the Ten Point Programme, the NRM set out to restore democracy. Thus a new administrative system of Resistance Councils and Committees was established right at the village level up to the district level as per statute 9/87.

104. The RC administrative system permits the population not only to elect their own representatives but under section 5 of the said statute, to remove or recall their representatives if the latter fail to satisfy them.

Membership of Parliament

105. At a higher level, the NRM government established a representative National Assembly, the National Resistance Council (NRC). Both males and females are eligible for elections. Perhaps of importance to note is the fact that under legal notice 1/86 (Amendment) statute, 1989, women are given specially reserved seats to cater for female interests. As it were, this is some kind of positive discrimination in favour of women. Section 1 of the same provides that the composition for the NRC shall consist of:

The Chairman of the National Resistance Movement (President);

The Vice Chairman of NRM;

Original members of the NRC (historical members who fought and removed the previous regime);

National Political Commissar;

The Administrative Secretary of NRM;

The Director of Legal Affairs of the NRM;

Representatives of each county in the country (elected representatives at county level);

Representatives of towns and municipalities;

Ten members of the National Resistance Army appointed by the NRA Council;

A woman representative from each district elected by the District Councillors (emphasis added)

Five youth representatives

Three workers' representatives; and

Twenty nominees of the President.

106. Thus, in addition to the other possible seats in NRC, the NRM has accorded women an extra 1 seat per district specifically for women as a reflection of its policy and determination to uplift the status of women. In spite of the above, for various reasons to be pointed out later, women representation, compared to that of men in the NRC is still very low. Current statistics show that out of a total house of 270 members, there are only 39 women members.

Voting

107. Traditionally, the percentage of women who participate in voting in National Elections has been low. This may be attributed to various causes including the general apathy of women towards politics which they regard as a man's domain.

108. However, a remarkable change took place with the introduction of the RC system by the NRM government. Experience shows that when the first RC elections were held in the country, at least at the grass root level (RC I), women's participation was as high as that of men. Women turned up in large numbers to elect their representatives at the village committee level. However, higher up the ladder of the RC system (RC II, RC III, RC IV and RC V) women's participation in the voting greatly reduced. This is due to the fact that these secondary elections are indirect because only those who have been elected at the RC I level vote to elect RC II committee. Generally, for reasons to note later, very few women stood as candidates for Resistance Committee seats right from RC I level. Thus, the higher in the RC structure, the less women that are elected. The higher electorates are therefore dominated by men and this could greatly explain why from RC II level up to RC V level there are few women on the committees, as the majority will have exercised their only mandate in the primary RC I elections.

109. Another interesting and new development to note is that with the introduction of the RC administration system by the NRM, the gap between the level of participation in voting by

urban and rural women has narrowed extensively. The experience of the last elections shows that both rural and urban women participated enthusiastically in the grass root elections. This could be explained by the following two factors:

> The NRM government has since its inception embarked on serious sensitization/mobilization of the population. Everybody now sees the need to participate in the participate in the election of their leaders;
>
> The RC election system is a very simple one. Even illiteracy is not a handicap. Thus even the rural women can easily follow the proceedings and are hence encouraged to participate.

110. Qualification of voters:

> Being resident in the area;
> Being a registered voter; and
> Having attained the age of 18

Women candidacy

Eligibility

111. Under the law any adult person, male or female can stand for election for a seat on the Resistance Committee up to RC V level so long as he or she:

a) Has not served the defunct State Research Bureau;
b) Has not served under the National Security Agency;
c) Has not served under the Public Safety Unit;
d) Has not been convicted of a criminal offence;
e) Has not been declared bankrupt.

112. The organs mentioned in a, b and c were intelligence agencies of previous regimes.

Composition of Resistance Councils and Committees

113. Each single Resistance Committee consists of nine members holding the following posts:

> Chairman;
> Vice Chairman;
> Secretary for Youth;
> Secretary;
> Secretary for Women Affairs;
> Secretary for Information;
> Secretary for Mass Mobilization and Education;
> Secretary for Defence;
> Secretary for Finance.

114. As a result of ignorance, both among men and women, when the first elections under the RC system were held, it was generally believed that women were only eligible for the post of Secretary for Women Affairs - leaving the other 8 seats for men. On the contrary women can

contest all the 9 seats whereas the men can only contest 8 seats. However, fewer women compared to men have been able to compete at higher RC levels.

115. As regards candidature for the NRC, very few women presented themselves for seats at county level in the districts. Only two were directly elected (statistics of those who contested and lost are not available). However, it could be pointed out that the electoral college to elect NRC representatives in every county is dominated by men. As a result a woman candidate may find little sympathy from the men voters - thus putting the women in a disadvantaged position. The fact however that two women successfully contested against men in the said circumstances shows that the situation is not hopeless. In addition 34 other women were elected to the NRC as women representatives, each representing a district. Here there was no competition with men for the seats.

Percentage of women candidates

116. The following tables show the Resistance Council (RC) election results from selected districts covering the North, East, West and Central regions of the country.

TABLE 3

Kasese District

Busongora County

Village	Resistance Council level	No. of females and males Elected		Total No. Elected	Percentage of females Elected
		Female and male			
Bulembia	RC I	3	6	9	30%
Kyarijuki	RC I	1	8	9	11%
Kyanyarugoba	RC I	2	7	9	22%

TABLE 4

Jinja District

Mufumbira Sub-County

Parish	Resistance Council level	No. of females and males Elected		Total No. Elected	Percentage of females Elected
		Female and Male			
Bugembe	RC II	1	8	9	11%
Mufubira	RC II	2	7	9	22%
Buwenda	RC II	2	7	9	22%
Buwekula	RC II	2	7	9	22%

TABLE 5

Luwero District

Sub-county	Resistance Council level	No. of females and males Elected		Total No. Elected	Percentage of females Elected
		Female and male			
Nyimbwa	RC III	2	7	9	22%
Kalangala	RC III	1	8	9	11%

TABLE 6

Kabale District

Sub-county	Resistance Council level	No. of females and males Elected		Total no. Elected	Percentage of females Elected
		Female and male			
Ikumba	RC III	2	7	9	22%
Bufumbira	RC III	1	8	9	11%
Hamurwa	RC III	1	8	9	11%

TABLE 7

Moyo District

Division	Resistance Council level	No. of females and males Elected		Total No. Elected	Percentage of females Elected
		Female and male			
Itula	RC III	1	8	9	11%
Afropi	RC III	2	7	9	22%
Gimara	RC III	1	8	9	11%

TABLE 8

Mbarara District

Parish	Resistance Council level	No. of females and males Elected Female	and Male	Total No. Elected	Percentage females Elected
Range	RC II	1	8	9	11%
Buwekula	RC II	2	7	9	22%

TABLE 9

Mbale District

Parish	Resistance Council level	No. of females and males Elected Female	and male	Total No. Elected	Percentage of females Elected
South Central Ward	RC II	1	8	9	11%
Masaba Ward	RC II	1	8	9	11%
Namatala	RC II	1	8	9	11%

Source: Ministry of Local Government, 1989

117. The percentage of women candidature to RC elections up to NRC level is very low when compared to that of men. Apart from the reasons mentioned above, there are other basic reasons which hinder women participation in politics and public life generally.

118. These include:

Women have traditionally shied away from politics;

The general attitude of society towards women and their abilities in the field of politics is not encouraging;

High illiteracy rate among women; and

Heavy domestic burdens which leave women little time for any other activity etc.

High Public Offices and Political Positions held by Women

119. Under the NRM government more women have been given official responsibility compared to past regimes. The NRM Secretariat which is a political organ of government has a Womens' desk which is involved in politicization, consciousness raising and awareness raising on gender-related issues.

Ministerial Posts

120. The Ugandan Constitution provides that Ministers must be appointed by the President from members of Parliament. As indicated above there are very few female MPs (NRC members) compared to men. This may further explain why the number of female Ministers is small too. Under the previous regimes there had been only one occasion when a woman had a ministerial post from 1980-1985. From 1989 there were nine female Ministers. This is an improvement though, in terms of percentage, the number of women ministers is still small. As of July, 1991 there are 42 Ministers - three women Ministers and one Deputy Minister.

121. The table below shows the high positions held by women.

TABLE 10

Women and men in decision-making

Post	Female	Male	Total
Cabinet Ministers	2	20	22
Deputy Ministers	1	9	10
Ministers of State	1	9	10
Permanent Secretaries	7	35	42
Under Secretaries	10	45	55
District Administrators	4	34	38

Source: Ministry of Public Service and Cabinet Affairs
(The above information is as of 1 July, 1991)

Representation on the National Resistance Council

122. To date out of the 39 women members on the NRC, 34 of these are women representatives at district level, two are historical members, one is nominated while two contested and won at the county level. The number of women representatives in the NRC is bound to go up with the recent creation of four more new districts.

Representation on National Executive Council

123. There are currently 5 women seating on the National Executive Committee (NEC). This is a Standing Committee of the National Resistance Council and is an influential policy organ. Among its functions, it discusses and determines the policies and political direction of the NRM. It vets candidates for Presidential appointments and generally monitors and oversees the general performance of the government. The figure of 5 is obviously low compared to the total figure of over 40 members.

Participation in formulation of Government Policy

124. The decentralization inherent in the RC system gives both women and men a chance to participate in self governance and determination. Through the elected committees, their interests can be articulated. At other levels, the appointment of women to decision-making organs of state will introduce female participation in the day to day management of problems and solutions thereto, and the formulation or review development plans. Already, women have submitted their proposals specific to them on the Constitution making process and the Ministry of Women in Development, Culture and Youth and relevant NGOs are implementing plans to enhance women's impact on policy.

ARTICLE 8

INTERNATIONAL REPRESENTATION AND PARTICIPATION OF WOMEN

> "States Parties shall take all appropriate measures to ensure to women, on equal terms with men without discrimination, the opportunity to represent their Government at the international level and to participate in the work of international organizations."

125. Public Service regulations which inter alia regulate terms of employment of public servants, are not discriminatory per se. Foreign service officers are regarded for all intents and purposes as public servants, and there is no Prima facie discrimination between men and women employed in the foreign service of Uganda.

126. However, statistics show that very few women have been employed in foreign service. The number particularly diminishes in higher grades of employment.

127. In 1973, Uganda appointed the first woman ambassador. This woman held the portfolio of a Roving Ambassador, which she relinquished after about 3 years. In 1974, the second woman ambassador was appointed; and the third was appointed in 1978. During this period Uganda had 28 embassies.

128. Between 1979 and 1985, five embassies were closed, Uganda remained with 23 embassies. Twenty-two of these were manned by male ambassadors/high commissioners and only one by a woman ambassador.

129. Since 1986, four women were appointed ambassadors. Unfortunately one resigned her post in 1988 and another passed away in the same year. They, however, were not replaced by women. Therefore, as of August, 1990 we have only two women ambassadors. This indeed shows how in practice there is discrimination against women for high diplomatic positions.

130. Uganda has two deputy ambassadors. These are, however, at the level of ambassadors as they fall in Grade 1 of the foreign service. Both of them are men. In the portfolio of Counsellor, there are eight Counsellors of whom only one is a woman.

131. There are 21 First Secretaries (as of August, 1990) of whom only two are women; out of 44 Second Secretaries, 13 are women and out of 44 Third Secretaries, eight are women. These numbers no doubt show that in practice, there has been discrimination against women especially with regard to high offices since the number increases in the lower cadres.

132. Nevertheless, there has been increased women's participation in non-governmental organizations and associations concerned with public and political issues and increased women's representation of government at international level. Women have indeed been

participating in different international conferences, seminars and workshops on women affairs and other areas of national and international interest.

133. In commemorating the International Year of Women 1975, the National Council of Women, which is the umbrella body of all non-governmental women's groups and or associations, organized various women's activities. The conference to mark the UN decade held in Nairobi in 1985 was attended by a very big group of Ugandan women.

134. Thanks to the conference, many new active women NGOs were formed. Up to date these organizations are working tirelessly to improve the state of women in Uganda. Uganda is a signatory to different International Conventions/Treaties related to women's status.

135. These include:

The Convention on the Political Rights of Women;

The Convention on consent to Marriage, Minimum age of Marriage and Registration of Marriage;

Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between People;

The International Convention on the Elimination of All Forms of Racial Discrimination;

The Convention and Protocol relating of Refugees; and

The Convention on the Elimination of All Forms of Discrimination against Women, etc.

136. Generally, there is no discrimination against women in international representation and participation. But there is a de facto discrimination which, however is improving with government efforts aforesaid.

ARTICLE 9

NATIONALITY

> 1. "States Parties shall grant women equal rights with men to acquire, change in or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
>
> 2. States parties shall grant women equal rights with men with respect to the nationality of their children."

137. The Constitution of Uganda (1967) refers to 'citizens of Uganda' to mean 'persons' of Uganda. The expressions include women.

138. According to the Constitution, citizenship by birth or descent can be acquired from either parent (Art. 4 (1) (b)). Women would also appear bestowed with equal rights with men in regard to nationality to their children. This, however, is limited to only children born in Uganda.

139. According to Article 4 (1) (c), 4 (2) and 4 (3) of the Constitution, the acquisition of citizenship for children born outside Uganda depends heavily on whether the father was at the time of birth a Ugandan citizen. This means that Ugandan women, unlike men, do not enjoy the right to extend their citizenship to their children born outside the country.

140. The acquisition of citizenship by spouses of Ugandan male citizens is more in favour of males than females. Art. 4 (4) of the Constitution stipulates categories of non-citizens who are entitled to registration as citizens of Uganda as follows:

> Any woman who is or at any time has been married to citizen of Uganda; and
>
> Any woman who has been at any time married to a person but for his death before 9th October, 1962, (Independence Day) would have become a citizen of Uganda on that date.

141. In other words a male Ugandan may marry a non-citizen woman who will automatically qualify to register as a citizen. No mention is made of a similar treatment in respect of a female citizen bringing in a non-citizen spouse.

142. This shows that Ugandan male citizens enjoy the right to extend their citizenship to foreign spouses which right is denied female citizens. This is no doubt discriminatory in nature given that Section 3 of the immigration regulations No. 29 of 1984 grants these alien spouses a mere certificate of Residence even when they wish to acquire citizenship.

143. According to Article 6 of the Constitution, dual citizenship is illegal. Any person who upon the the age of 21 years, is a citizen of Uganda and also of some other country, ceases to be a citizen of Uganda. The article contains a half hearted mitigation which tolerates dual citizenship in circumstances of marriage by a woman. Article 6 (2) reads:

> "A citizen of Uganda shall cease to be such citizen if (a) having attained the age of 21 years he acquires the citizenship of some other country other than Uganda by voluntary act other than marriage" (Emphasis added).

144. In the first place, the legal bar to the foreign husband acquiring Ugandan citizenship practically forces the wife to acquire her husband's citizenship and when he is above 21 years she must renounce her own citizenship. As a general rule, on renouncing citizenship, it is not easy to re-acquire it as per Article 5 (1) since it is Parliament to make provision for such acquisition.

145. According to S.3 (1) of the Passports Act 6 of 1982, the Passport Control Officer may issue a Passport to or renew a Passport held by any Ugandan. Prima facie, it appears that both husband and wife have equal rights to acquire and renew their Passports. The women's right is taken away by the Passport regulations No. 14 of 1983 whereby R.10 of the same provides that "A married woman applying for a Passport shall not be issued a Passport without the written consent of her husband". Consent is also required on renewal of a wife's Passport. This provision is discriminatory against women (Emphasis added).

146. S.8 of the Passports Act provides that where a Passport includes particulars of the holders wife, the wife shall not use the Passport when travelling alone. This is discrimination in freedom of movement.

147. As regards children, 5.7 of the Passport Act provides that:

> "Where the holder of a Passport has children, his children may be endorsed on the Passport provided they are below 16 years of age; children above 16 shall be on separate Passports".

148. Prima facie this appears like a woman and a man have equal rights to have their children endorsed in their passports. However, R.3 (5) of the passport regulations aforesaid provides that where a holder of a Passport requires the endorsement of a child on her/his Passport, a prescribed form must be signed by or with the consent of the legal guardian of the child. A legal guardian is defined in the same regulations to mean father. Its only when the father is dead or when the mother produces a court order committing the child to her as legal guardian or custodian that the mother can consent to the endorsement of the child in another person's Passport, including her own. This is indeed discriminatory since a mother has no right to have her children endorsed on her passport without her husband's consent. It follows, therefore, that a mother has no right to leave the country with her children, nor does she have the right to leave herself since in any case she wouldn't have any travel document, even if the husband's consent is unreasonably withheld.

ARTICLE 10

EQUALITY IN THE FIELD OF EDUCATION

> "States Parties shall take all appropriate measures of eliminating discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:
>
> (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in the urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
>
> (b) Access to the same curricular, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
>
> (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
>
> d) The same opportunities to benefit from scholarships and other study grants;
>
> (e) The same opportunities for access to programmes of continuing education, including adult functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
>
> (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

> (g) The same opportunities to participate actively in sports and physical education;
>
> (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

149. Formal education in Uganda has been almost wholly provided and controlled by government since independence in 1962. In the period before independence, the three main religious groups, the Catholic, Protestant and to a small extent, the Muslim, each started private schools. They were in charge of all education from primary school to teacher training institutions .

150. These schools were later taken over by government when the indigenous leaders took over power. The new leaders were keen to take over control of education because it was identified as one of the main instruments of developing the country through man-power training. The man-power trained through the education system were almost all, employed by the public service and private business organizations.

Structure of Formal Education

151. Seven years of primary education leads to Primary Leaving Examinations (PLE). Successful candidates are admitted to secondary schools for four years to obtain Uganda Certificate of Education (UCE) or Ordinary Level. Selected candidates proceed to high secondary for two years leading to the award of Uganda Advanced Certificate of Education (UACE). Candidates for university are selected from this level, depending on their UACE results.

152. There also exists a technical school system, usually for those who do not get admitted to the advanced certificate and university levels. The technical system offers qualifications ranging from Ordinary Technician's Certificate to Higher Technician's Diploma. There are also a few courses in business education, leading to various levels of certificates.

153. Teacher Training Colleges produce different grades of teachers: Primary, Secondary, Commercial, Technical and Graduate Teachers, depending on the level at which they join the Teachers' Colleges. This system of education is wholly managed by government with few licensed, privately managed institutions which have to follow the government system. The Diagram below summarizes the system described.

TABLE 11

	Primary Sch.	Secondary Sch.	HSC	University	
Years	7	4	2	3 - 5	
	Tech. Sch.	Grade III TTC	Tech. Inst.	UPK.	ITEK
Years	3	2	2	3	2

Source: Ministry of Education

Note with reference to table 11

1) Primary Leaving Examination (PLE)
2) Uganda Certificate of Education (UCE - 'O' Level)
3) Uganda Advanced Certificate Examination - 'A' Level

Abbreviations:

UPK	Uganda Polytechnic Kyambogo
ITEK	Institute for Teacher Education Kyambogo
TTC	Teacher Training College (for Primary School Teachers)
NTC	National Teachers College (for Secondary School Teachers)
HSC	Higher School Certificate Course
UCC	Uganda College of Commerce

154. Outside the formal structure described above, the Line Ministries runs other post secondary institutions which offer professional training and offer certificates and diplomas.

155. This formal education system was introduced by Missionaries. Before that, each of the many tribes in Uganda had its own system of educating the young, mainly based in the home. Most of the disparities now existing in the education system have their origin in the fact that the Western education system introduced a set of values completely different from those taught in the traditional systems whereby girls are educated in domestic skills in order to fulfil the traditional roles as mothers and wives. As a result, very many members of society continue to see the woman as belonging to the home and the man as the bread earner. Even with the opening of some schools, many exclusively for girls, especially at the secondary and tertiary levels, enrollment of girls has remained low compared to that of boys. At primary school level, the problem of disparity in enrollment is not alarming. There has been some slight improvement over the years as the table below demonstrates.

TABLE 12

Enrollment in government aided primary schools by standard 1980-1988 (thousands)

Standard	1980	1981	1982	1983	1984	1985	1986	1987	1988
Primary 1	286.5	325.8	375.2	413.1	450.0	495.0	523.5	575.3	688.2
Primary 2	220.1	248.4	287.1	320.7	355.7	395.0	407.1	454.0	487.1
Primary 3	199.6	212.3	344.1	285.1	320.0	344.0	367.8	413.1	438.9
Primary 4	170.5	181.4	198.7	220.5	280.0	300.0	342.5	342.5	351.3
Primary 5	146.1	155.7	168.7	181.2	206.0	227.0	245.0	285.2	282.1
Primary 6	138.0	145.0	156.4	164.4	180.7	199.0	198.5	236.8	219.2
Primary 7	131.6	138.6	151.8	145.4	162.4	177.0	163.9	198.6	171.3
Total	1292.4	1407.2	1582.0	1730.4	1930.7	2117.0	2203.8	2505.5	2638.1
% Female	40.9	42.6	42.6	43.5	43.5	44.0	45.0	45.0	44.0
Pupil/ teacher ratio	34.0	35.0	36.0	35.0	34.0	35.0	33.0	34.0	34.0

Source: Planning Unit, Ministry of Education, 1988

156. The problems directly affecting women in the formal education system will be examined below.

Access and participation

157. All children in Uganda have equal rights to education by law regardless of sex, creed or any other attribute. However, though there is no legal discrimination against women in education, in actual practice, there are many areas where documentary evidence and real life experiences indicate that women do not have equal opportunities as men.

158. At primary school level, the problem of entry into primary school exists for both boys and girls. Pre-primary schooling is a private business in Uganda. The majority of the rural children both boys and girls do not all have opportunity to attend pre-primary schools. The urban population boys and girls tend to have an advantage over the rural at this level because they have access to the high quality primary schools.

159. Once students have entered primary school, enrollment rates and drop-out rates appear to be similar for both sexes. What seems to be significant is regional differences in enrollment and drop-out rates. For example in 1988 and 1989, in the Central Region, there was indication that girls dropped out from 51 per cent of enrollment in primary one to just 30 per cent enrollment in P.7. In contrast, in Western and South Western Region, ratios stayed fairly up to P.7.

160. The most serious bottleneck within the system appears to be between primary and secondary levels. While 50 per cent to 60 per cent of the boys and girls who enter primary school complete the cycle, a much smaller proportion enrolls in secondary schools. Generally a significantly smaller proportion of the total students are female. The table that follows will demonstrate this point.

TABLE 13

Enrollment in government aided secondary schools by standard 1980-1988 (thousand)

Standard	1980	1981	1982	1983	1984	1985	1986	1987	1988
Senior 1	17.9	23.2	33.1	36.5	46.5	47.8	56.3	59.2	
Senior 2	17.6	19.4	24.9	30.6	36.2	41.2	52.0	54.7	
Senior 3	15.9	17.4	17.9	23.2	29.0	30.2	40.5	42.6	
Senior 4	14.8	15.5	15.1	16.6	21.7	28.3	31.0	32.7	
Senior 5	3.6	4.1	5.1	5.1	5.9	6.5	8.5	9.0	
Senior 6	3.3	3.3	4.5	5.1	5.4	5.7	7.7	8.1	
Total	73.1	82.9	101.6	117.1	144.7	159.7	196.0	206.3	240.8
% female	29	30	31	33	33	33	33	35	
Pupil teacher ratio	23	22	21	21	22	23	19	17	

161. The following factors have been suggested to be responsible for this development.

Performance in primary leaving examinations

162. There are indications that boys perform better than girls in the PLE (UNICEF 1989). It is suggested that girls' greater absence throughout the year and household responsibilities which take away from studying time help explain differences in performance.

Sex Stereotyping

163. The gender biases related to sex stereotyping are embodied in the curriculum materials as well as within the management structures of the schools.

Example 1: In the social studies course offered at primary school level, all traditional heroes are men.

Example 2: The women teachers who represent 45 per cent of the primary school teaching force are not usually promoted to higher managerial levels, especially if they are not married.

Cultural Factors

164. There exists patrilineal recognition of boys as potential workers and, therefore, the productive supporters of clan-based families. Consequently, girls are viewed as ultimate dependants of non-clan members after marriage. That means that they have less claim to family resources such as land and inheritance of other family property. There is strong documentary evidence to show that women feel that in order to be recognised as 'proper' members of society, they must get married. In the long run, this attitude affects how persistent girls will be in the education system and in the labour market.

165. There is also significant evidence that children born in traditional family structures where polygamy is practised do not get enough economic support. This affects the girls more than the boys because already being female means that they enjoy a lower status than boys, so this means that they are twice removed from their rightful claim of legality.

166. Christian religion has tended to compound this situation by labelling children born in this set up as illegitimate children.

Gender disparities

167. Throughout history, documentary evidence strongly suggests that there are serious gender disparities in education in Uganda. All the Education Policy Review Reports including the latest one of 1989, acknowledge this problem. In spite of this, it has not been forcefully addressed. The main reason for this is not so much lack of will as lack of reliable educational data which is gender sensitive. Lack of reliable data makes it difficult to analyze in any prescriptive way the situation regarding female access, rate of drop-outs, or female performance in Uganda's education system.

168. The Uganda Education Policy Review Report (1989) offers 5 reasons explaining why gender disparities exist:

Because of patrilineal society, and other social and cultural factors, many parents in Uganda tend to prefer educating boys to girls;

Most co-education institutions are not well equipped with separate facilities for girls. The co-education boarding institutions generally have more boys than girls. Girls tend to suffer more from the natural physiological and psychological changes that render their academic performance in these co-education institutions relatively poorer;

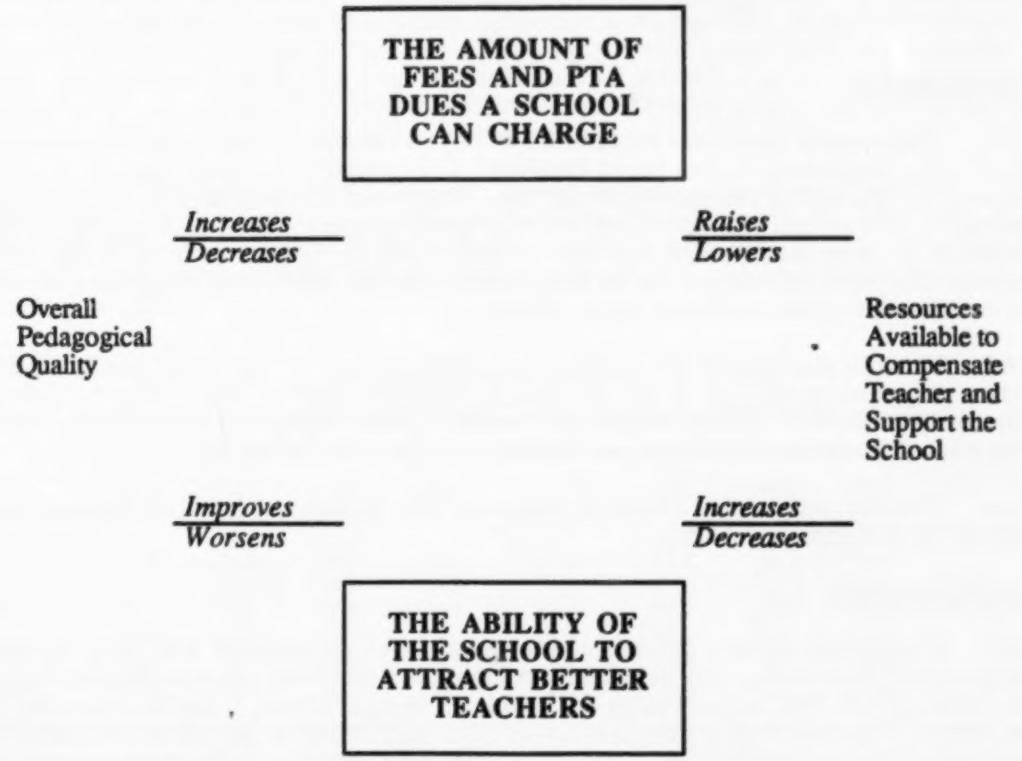
The traditional division of labour in the homes is more demanding of girls than boys;

Girls usually get involved in early marriages. Among those who go to school, some suffer from early pregnancies for which they are thrown out of the school system; and

Girls often fall prey to the social problems, particularly in urban areas where most of the large secondary schools and Tertiary institutions are located. This is sometimes aggravated by lack of decent and secure accommodation for girls.

TABLE 14

School quality cycle


THE AMOUNT OF FEES AND PTA DUES A SCHOOL CAN CHARGE
Increases / Decreases
Raises / Lowers
Overall Pedagogical Quality
Resources Available to Compensate Teacher and Support the School
Improves / Worsens
Increases / Decreases
THE ABILITY OF THE SCHOOL TO ATTRACT BETTER TEACHERS

Post Secondary Institutions

169. Post secondary institutions offer advanced education to students who have successfully completed the full course of secondary education. These include, universities, business institutes, polytechnics and teacher training colleges.

170. Graduates from this level are employed as high level manpower and are better paid than the earlier groups. They are involved in policy decision-making, research, etc. This is the area where women are represented as shown in the table below. Even where there may exist

reasonable female representatives, documentary evidence shows that women have tended to crowd in arts-based courses, teaching and secretarial work and they are under represented in science based careers.

TABLE 15

Type of institution	No. of institutions	Grade								
Primary		P.1	P.2	P.3	P.4	P.5	P.6	P.7	Total	% females
	7350	523508	407066	367810	300035	245022	98535	162850	2208824	45.2%
		S.1	S.2	S.3	S.4	Sub-total	S.5	S.6		
Secondary	508	56225	52000	40500	31040	17976	8521	7726	196012	34.9
		I yr	II yr	III yr	IV yr	V yr		-	-	-
PTC's	73	5112	5140	977	-	-	-		11229	39.0
Tech. schools	24	1246	706	603					2555	19.8
Tech. insts.	31	1797	1432	707					3936	5.9
NTCs	10	875	799						1674	18.9
UCCs	5	599	365						924	49.7
UTCs	8	222	213						435	0.7
ITEK	1	265	218	149					632	33.5
NCBS	1	253	72	8					333	27.0
UPK	1	155	118	443					716	3.2
Makerere University	1	2166	1544	1385	166	129			5390	22.8
Total	8013								2436660	42.2

Source: Ministry of Education, Planning Unit

Abbreviations:

PTC	Primary teacher colleges
NTC	National teacher colleges
UCC	Uganda college of commerce
UTC	Uganda technical college
ITEK	Institute of teacher education, Kyambogo
NCBS	National college of business studies
UPK	Uganda polytechnic, Kyambogo

Non-formal education

171. Government caters for non-formal education largely through the youth groups organized by the Ministry of Youth, Culture and Sports and the Department of Community Development in the Ministry of Local Government. Most Social Service Ministries like the Ministry of Health, Cooperatives and the newly established one of Women in Development run adult education classes. Non-governmental organizations make a tremendous contribution in this field.

Literacy

172. At independence in 1962, the estimated rates for illiteracy were 60 per cent men and 80 per cent for women from the age of 16 years. The population then was 6.5 million. By 1980, there had been noticeable improvement and the rates are now around 45 per cent for men and 54 per cent for women. The current estimated rate is 35 per cent for men and 55 per cent for women. However, there is lack of reliable data in the field of literacy. All figures, used are estimates, adopted from organizations that have run some surveys.

173. The persistent low literacy rates are mainly due to lack of organized literacy programmes and lack of funds to organize them. There are no significant links between formal and non-formal systems of education in Uganda. The large bodies of students, teachers and school buildings are not utilized to provide literacy and education to the youth and adults who are outside the school.

174. Government set up inter-ministerial committees to coordinate adult education programmes. However, these committees have not functioned due to lack of support and commitment of the concerned Ministries.

175. There is evidence that political education will exist to try and improve the situation of women in education in Uganda. The Government introduced a 10 Point Programme which is being followed. Improving the status of women was among the priorities included in the 10 Point Programme. The following measures have been introduced to improve the status of women in education.

Family life education

176. This is a new subject now being taught in primary schools. It was started as a result of pressure from parents, non-governmental organizations and other concerned parties following a high rate of drop-outs, especially due to pregnancies and other social problems. Both boys and girls benefit from this programme. The Ministry of Education and Sports has plans to extend this subject to secondary schools.

Education Policy Review Commission

177. Government set up a commission which went round the whole country collecting views from all interested parties. According to Ministry of Education, the Commission has recommended that government provides free education in primary schools. This was announced at a workshop on Women's status, Participation in the Development of Uganda's Economy in Kampala held on 8th August, 1990.

Basic Education

178. Creation of a section of Basic Education in the Ministry of Education and Sports is a new development by government in an attempt to combine formal schooling provided by primary schools and non-formal education provided through a range of out-of-school programmes. As women have higher rates of illiteracy, this is hoped to improve their situation.

Women Studies Programmes at the University

179. Starting with 1990/91 academic year, Makerere University has started the Women Studies Department under the Faculty of Social Sciences. This is a programme that has started as a result of the 1985 Women's Decade. Two women non-governmental groups, Uganda Association of University Women, an internationally affiliated women graduates' association and Action for Development, an indigenous women non-governmental organization joined efforts and pressurized for this new programme to be started at the University.

Women NGOs

180. Some women NGOs offer voluntary career guidance, to different levels of primary and secondary schools. This has been identified as an area where the formal education system is not offering sufficient services.

181. A lot of effort is being made both by government and non-governmental organizations to address the gender disparities that exist in the education system. Most efforts are limited by lack of funds.

Under Graduate University Courses

182. There are very few women students at the University level compared to men. As explained in Article 4, in 1990 the government increased the female intake to university. The female applicants for entry to University have the additional 1.5 points and this has increased the female intake in 1990 and 1991 as compared to 1988 and 1989 intake as shown in table 16.

TABLE 16

Admissions to Makerere University 1988-1991

Course		1988 Female	Male	Total	Female %	1989 Female	Male	Total	Female %
1.	MEDICINE	20	51	71	28	19	51	70	27
2.	VET MEDICINE	1	36	37	3	5	35	40	13
3.	ENGINEERING	5	39	37	3	3	43	46	7
4.	AGRICULTURE	31	69	100	31	16	64	80	20
5.	FORESTRY	4	30	34	12	5	25	30	17
6.	STATISTICS	4	29	33	12	5	46	51	10
7.	COMMERCE	8	66	74	11	26	63	89	29
8.	SOC. WORKSHOP ADM.	14	30	44	32	16	30	46	35
9.	LAW	14	40	54	26	17	35	52	33
10.	FINE ART	8	13	21	38	13	16	29	45
11.	SCIENCE	36	236	272	13	34	234	268	13
12.	ARTS	61	148	209	29	76	190	266	29
13.	SOC. SCIENCES	71	225	296	24	39	213	252	15
14.	DENTAL SURGERY	1	9	10	10	2	7	9	22
15.	PHARMACY	4	6	10	40	3	7	10	30
16.	FOOD SCIENCE					2	13	15	13
17.	LIBRARY INFORM SC					11	21	32	34
18.	MASS COMM.	7	14	21	33	9	11	20	45
19.	ARCHITECTURE					0	7	7	0
20.	SURVEY								
21.	AGRICULTURE ENG.								
22.	ARTS/EDUCATION	53	69	122	43	78	111	189	41
23.	SCIENCE/EDUCATION	3	62	65	5	44	66	110	40
24.	LIBRARIANSHIP (DIP)	10	11	21	48				
Total		355	1183	1538	23	423	1288	1711	25

TABLE 16 CONTINUED ...

Course	1990				1991			
	Female	Male	Total	Female %	Female	Male	Total	Female %
1. MEDICINE	17	70	87	20	26	63	89	20
2. VET MEDICINE	5	44	49	10	3	36	39	8
3. ENGINEERING	5	44	49	10	6	48	54	11
4. AGRICULTURE	23	63	86	27	10	68	78	13
5. FORESTRY	4	30	34	12	5	30	35	14
6. STATISTICS	3	56	59	5	14	41	55	23
7. COMMERCE	16	82	98	16	29	71	100	29
8. SOC. WORKSHOP ADM.	24	31	55	44	21	29	50	42
9. LAW	24	34	58	41	29	29	58	50
10. FINE ART	19	20	39	49	12	29	41	29
11. SCIENCE	62	238	301	21	52	246	398	13
12. ARTS	126	185	311	41	123	214	337	46
13. SOC. SCIENCES	121	240	361	34	87	200	287	30
14. DENTAL SURGERY	7	3	10	70	1	9	10	11
15. PHARMACY	4	7	11	36	3	7	10	30
16. FOOD SCIENCE	10	16	26	38	9	13	22	41
17. LIBRARY INFORM SC	14	23	37	38	21	19	40	46
18. MASS COMM.	11	6	17	65	8	9	17	47
19. ARCHITECTURE	1	9	10	10	1	8	9	12
20. SURVEY	1	4	5	20	0	10	10	0
21. AGRICULTURE ENG.	0	10	10	0	0	15	15	0
22. ARTS/EDUCATION	109	92	201	54	103	95	198	52
23. SCIENCE/EDUCATION	20	168	188	11	18	81	99	18
24. LIBRARIANSHIP (DIP)								
Total	626	1476	2102	30	581	1370	1951	28

ARTICLE 11

EQUALITY OF MEN AND WOMEN IN THE FIELD OF EMPLOYMENT

1. "States Parties take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeship, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanction, dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in the public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary."

183. By 1920, Africans or natives were recruited into the civil service as junior clerks, messengers and later in 1955, a system of Ministries had been introduced and some Ministries were headed by Civil Servants among whom there was not a single woman. In 1958, a programme for the localization of the Civil Service was initiated with the aim of filling 25 per cent of the posts on the super-scale with indigenous Ugandans by independence in 1962.

184. Since the pre-requisite was and still is education/training and experience for appointment and/or promotion to higher post, up to now, women are largely found in service jobs like nursing and teaching jobs whose remuneration has remained low.

185. The post-independence period has not been significantly different from the colonial period. The Civil Service, the major formal employer for has remained male dominated. However, the most outstanding development has been the increasing number of women into what was regarded as "men's jobs". Government has tried to encourage the advancement of women in appointing a number of them in decision-making positions like Managers/Heads of Parastatal Organizations, Judges and Ministers. Despite the fact that there is no deliberate policy to discriminate women in employment, they find themselves unable to compete with men.

186. According to the 1987 National census of Civil Service, the number of the women in the Civil Service was 23.8 per cent compared to that of male which is 76 per cent. Sixty-eight per cent were in the age group of 18-38 with a medium age of 33 years. Most women, therefore, were still in their reproductive age.

187. There are few women in the science-based professions like medicine, engineering, architecture etc. mainly due to the stereotype attitude that sciences are for men and the fact that one requires a university degree. On the other hand, teaching, nursing and secretarial professions are filled predominantly by women. In the Ministry of Health, for example, there are 5,561 women compared to 4,226 men and in Mulago Hospital alone, there are 562 women compared to 115 men in the nursing and allied professions.

188. Traditionally, teaching, nursing and secretarial jobs were considered to be women's vocations. So parents and teachers did not encourage their girls to acquire higher education but rather to stop and take a course leading to one of the female dominated professions. On the other hand, boys were encouraged to continue their education and to obtain a university degree or qualifications which enabled them to monopolize some professions like engineering, law, medicine, and to get employed in better jobs and positions. In August, 1990 the head of Civil Service who is also the Permanent Secretary in the President's Office, while addressing local leaders in Tororo was reported on the government radio and press as having castigated parents who denied their daughters education in favour of their sons. Table 17 shows the number of employed persons in the Civil Service by occupational category and sex, as by July, 1987 and Table 18 shows distribution of skilled employees in non-governmental establishments by occupation and sex.

TABLE 17

No. of group employees in the civil service by occupational category and sex
July, 1987

	Male	Female	Total
Administrative and Managerial Occupations	687	99	786
Professional	587	124	691
Technicians and semi-professionals	5647	3726	9373
Clerks and Service Workers	5746	4081	9827
Farm, Fishery and related Workers	3705	745	4450
Craft and related Workers	4430	142	4572
Machine Operators and Assemblers	4314	187	4501
Elementary Occupation	55820	11730	67550
Not Stated	881	268	1149
Total	81797	21102	102899

Source: National Manpower Survey Census of Civil Servants February, 1988

TABLE 18

Percentage distribution of skilled employees in non-government establishment
by occupation, nationality and sex

Major Occupational Group	Male	%	Female	%	Total	%
Administrators & Managers	695	3.1	72	1.0	767	2.6
Professionals	2030	9.1	432	5.7	2462	8.2
Technicians % Associate	8628	38.5	2945	38.8	11573	38.6
Professionals Clerks	3695	16.5	3394	44.7	7089	23.6
Service & Sales Workers	766	3.4	434	5.7	1200	4.0
Skilled Agricultural & Fisheries Workers	43	0.2	4	0.1	47	0.2
Craft and Related Workers	5057	22.6	161	2.1	5218	17.4
Plant & Machine Operators	996	4.4	57	0.8	1053	3.5
Assemblers Not Stated	500	2.2	97	1.3	597	2.0
TOTAL	22410	100.0	7596	100.0	30006	100.0

Source: National Manpower Survey, 1989

189. On the whole, most of the Civil Servants fall under the occupational category of technicians and semi-professionals and the female employed under the category are 34.8 per cent of the persons employed. Female participation is highest in the category of service workers and clerks which is 41.5 per cent of the persons employed.

190. Women, by law, are entitled to receive pay for *equal work* or work of the same value as men. Uganda has ratified the ILO Convention on "Equal Pay for Work for Equal Value". However, in some cases men manoeuvre and get employed at higher salary scales than women yet they do the same work and have the same qualifications and experience. In other cases, men claim and get allowances which women at the same level of employment do not get. Women, on their part, led by women activists groups, have challenged discrimination in pay. However in the absence of a law against *unequal* pay or an enforcement machinery, there are isolated cases which have not been brought to the attention of women activists and/or other interested parties.

191. Work done by women in the home is not counted as part of the work done in the labour force. However, this is being addressed by the Ministry of Women in Development, Culture and Youth; and Ministry of Planning and Economic Development and it is likely to change in the near future.

192. The Pensions Act Cap 281 Laws of Uganda and other legislation provide benefits for government employees and the retirement age is 55 years for both men and women. The contributions to these funds are equal for both men and women.

193. The National Social Security Fund Act 8 of 1985 caters for group employees in government and private enterprises who are omitted by other legislation. Sections 8 to 21 provide for age benefits for employees above retirement age and for those who are not in employment or occupation.

194. There are withdrawal benefits for fifty-year old employees and invalidity benefits for employees who can no longer earn a reasonable livelihood owing to physical or mental disability that partially or totally incapacitates them. Contributions of 50 per cent of the total wages due to the employee per month is remitted to the fund by the employer. The employer's contribution is 10 per cent and the employee's contribution is 5 per cent deductible from his salary as per section 11 (1) of the Act.

195. There is no discrimination against women employees in entitlement to the Social Security Fund benefits. However, the funds accruing from the Fund are minimal and not adequate security for the retired, aged/disabled employee. In any case, there are very few women who are covered by this Fund as women are few in the salaried employment, and primarily find employment in the informal sector.

196. Job training and promotions are, in practice, mostly enjoyed by men. Many women complain of failure to get the training which their male counterparts get. Those who select people to go for training are mostly men. Excuses given for not selecting women include getting and having family responsibilities. Consequently, the men who get the training also get the promotions, thereby leaving women behind in their careers. This is one of the major reasons why the few educated women who get employed in administrative and/or professional posts do not easily reach managerial or top positions in their employment.

197. The Employment Decree 1975 gives the right of maternity leave; sections 46 (1) and (2) thereof states that:

> "46 (1) where a woman is pregnant her employer shall permit her to leave work if she produces a medical certificate given by a qualified medical practitioner stating that her confinement will probably take place within four weeks".

198. No woman may be allowed to work during the four weeks following her confinement.

199. The law entitles a woman to one month's leave before and after giving birth. Section 47 outlaws the dismissal of women from work during maternity leave. The section reads:

> "Where a woman is absent from her work in accordance with the provisions of section 46 of this Decree or remains absent from her work for a longer period as a result of illness, certified by a qualified medical practitioner arising out of pregnancy or confinement and rendering her unfit for work she shall be given one month paid leave and where necessary up to two months unpaid leave before the employer gives notice of dismissal."

200. It is apparent that women are entitled to salaried or paid maternity leave. The above provisions of the law are compiled within the public service and women hardly get dismissed for failure to return to work after the maternity leave expires. Although women have the right to maternity leave without loss of employment, some women, particularly those working in banks, have reported that when a women in a senior post goes on maternity leave she may be transferred, e.g from a branch bank to Head Office, thereby losing the privilege of being a manager.

201. The maternity leave granted by the law is far too short. This forces mothers to leave babies of one to two months under the care of Ayahs who may be negligent. It is therefore argued that government should revise the maternity leave, extend it to cover at least 3 to 4 months to enable women attend to the babies.

202. Except in the Teaching service and some religious organizations, women are not dismissed on grounds of pregnancy, maternity leave or marital status by law or by policy. In the teaching service, when a single-woman becomes pregnant, she is liable to dismissal even if the man responsible is a male teacher in the same school. Nothing happens to her partner

203. In health units, radiology departments, particularly X-ray units, are run by men. This is positive discrimination to safeguard women's health. In other work places, the protection given applies to workers in general. According to the Employment Decree, women are however not allowed to work underground.

204. This provisions is not intended to discriminate against women, given that section 45 (2) allows some categories of women to work underground and section 48 allows women to work underground upon the grant of permission by the Minister on conditions which he/she may determine; such conditions undoubtedly relate to safeguards to women's health. Section 45 (2) cited earlier further reads:

> "The provision of sub-section (1) of this section shall not apply to:
>
> a) a woman holding a position of management and does not perform manual work;

> b) a woman employed in health or welfare service;
>
> c) a woman who, in course of her studies spends a period of training in underground part of a mine or other operation;
>
> d) any woman who may occasionally have to enter the underground parts of a mine or other operations for the purpose of a non-manual work; or
>
> e) a woman working in an undertaking where only members of the same family are employed."

Section 48 of the Decree reads:

> "Not withstanding the provision of section 45 of this Decree, the Minister may, on request of an employer and when the public interest so requires permit any woman to work underground in any mine or other operations on such conditions as the Minister may determine."

205. There is hardly any child care support offered by employers to working mothers. In a recent research project on "Women in the Professions (1989)." A number of professional women from government, Ministries and Parastatals were interviewed but they all reported lack of child care facilities. When asked whether they had requested for such facilities from the employer, some answered negatively while others explained that such fringe benefits are not included in their terms of service. On the other hand, Ministers (both men and women) and heads of parastatals get allowances for domestic workers. So the four women Ministers and a few women heads of parastatals and managers get that fringe benefit; thousands of other working women do not get any child care support from their employers.

206. Likewise, school age children are generally not cared for by employers when the mother works longer hours than the school day; it is the family that takes up that responsibility. However, some parastatals and Ministries provide daily transport to and fro a few selected schools for children of members of staff. Parents who do not have children in the schools that are catered for have to use alternative means of transport at their own expense. This applies to both men and women. On the other hand, a few women (and men) in senior post are given vehicles by their employers; this eases their transport needs. So apart from transport which is enjoyed by only a few, employers do not generally take care of school-age children when their mothers work longer than the school day. Nursing breaks for breast-feeding mothers are also not provided for under the law.

207. The way in which advertisements are drawn up sometimes discourage women and young mothers from applying for jobs. The following are examples of advertisement titled Vacu-lug Vacancies for SALESMAN that reads:

> "The post calls for an active, intelligent man with self drive and capable of working on his own under little supervision (Emphasis added)."

208. This advertisement makes sex a qualification, thus it denies women the opportunity to be recruited into such jobs.

209. The New Vision, Monday, January 23, 1989 contained an employment advertisement for ACTION AID, UGANDA VACANCIES WITH ACTION AID MITYANA PROJECT that read:

> a) "Sponsorship Administrator
>
> Duties: A Sponsorship Administrator is a senior Officer responsible to the Project Coordinator. He is a Manager with a number of desks and field officers under him. His main duty is to ... (Emphasis added)."
>
> b) Accounts Assistant
>
> Duties: An Accounts Assistant will be responsible to the Project Accountant; his/her duties"

210. The advertisement for the post of Sponsorship Administrator is sexist; clearly the job offer was made to men as seen on the emphasis on the words 'He' and 'His'. If that was not the intention, the advertisement should have been similar in wording to that of Accounts Assistant that addressed both men and women as seen from the use of 'His/Her'.

211. Although terms of service in employment are equal for men and women and recruitment is based on qualifications and merit, employment in Uganda is still dominated by men; that is women are still discriminated against to some extent. This can be explained by different factors. There are differences in educational and technical qualifications. Due to this, women are usually employed at the lower echelons. Family related responsibilities sometimes force women to leave work and become full time housewives. The government is however opening up training opportunities for all employees. The Ministry of Women in Development, Culture and Youth has embarked on training and educational programmes for women and it is soliciting funds both from within and outside to train women in different fields. International organizations such as Danish International Development Agency (DANIDA) and Norwegian Development Agency (NORAD) are playing a big role in supporting training programmes for women both in government and NGOs.

ARTICLE 12

HEALTH CARE AND FAMILY PLANNING

> 1. "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
>
> 2. Not withstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

212. Health is a state of social, mental and physical well being of an individual and not only absence of disease. The government of Uganda adopted the Alma Act Declaration to provide health for all by the year 2000 through primary health care approach.

213. Health services in Uganda are provided by government, missionaries, private practitioners, traditional birth attendants and traditional healers. These services are provided through hospitals, health centres, dispensaries, aid-posts and homes.

214. There is one national referral hospital and one specialized hospital for mental health. The national hospital should receive referred cases from district hospitals but due to the break down of the district hospitals, many patients travel from home straight to the national teaching hospital.

215. The health centres, which are 107 in number, are not evenly distributed throughout the country. There are 461 dispensaries and sub-dispensaries of which 89 have maternity Units. There are 40 free standing maternity units and 157 Aid Posts. The hospitals are 107 with one referred centre. The government operates 46, the rest are operated by Church related missions. The cases which are usually referred are women who are unable to deliver normally at any unit. Through private means of transport, they are taken to a better equipped unit.

216. Most of these health units are really in poor conditions. There is one hospital for 20,000 people and one health unit for 150,000 people, one nurse for 23,220 people and one health facility bed for 800 people. In some hospitals, women deliver on bed-springs. Even in the referral hospitals, operation theatres only work in emergency cases. The government hospitals and maternity units have no adequate essential equipment and supplies and as a result non-governmental organizations have come in to fund-raise and contribute to equipping hospitals and maternity units.

Traditional Birth Attendants (TBA) and Healers

217. Traditional Birth Attendants (TBA) and healers contribute a lot to the health services in Uganda. The biggest percentage of their clients are women. The Traditional Birth Attendants attend to about 45 per cent of the deliveries. Many women attend ante-natal care with trained midwives and doctors but they deliver in the hands of Traditional Birth Attendants on account of little help at the health units and the distance they may have to travel without means of transport. The Ministry of Health is now training traditional birth attendants (TBAs) so that they can identify risk factors early and refer them to health units. They are also taught how to improve cleanliness.

218. According to the government owned New Vision newspaper of Wednesday 11th July, 1990, the plan is to train TBAs in eight districts in Uganda. The first four months course for TBAs has been held in Tororo District. This project first started at Kiyeyi Health Centre, Tororo District in 1985 on an experimental basis and by July, 1990 a total of 100 TBAs had been trained. The training programme has been successful with eleven TBAs successfully delivering 78 mothers in Budaka county alone. It is envisaged that this paramedical personnel which has served its communities since time immemorial, will greatly contribute to the primary health care programme particularly after having received formal training. Other organizations like UNICEF are training TBAs in Mbarara, Kabale, Rukungiri and Kasese districts as part of the South-west Project.

219. As women become more aware of the need for health services, the existing government health structure is insufficient to meet women's needs. The private hospitals are too expensive for women especially in rural areas and they end up in government hospitals which become over crowded and do not have enough health workers to look after them.

TABLE 19

Table showing number of health personnel in government service as of 1990

Medical Doctors	500
Medical Assistants	700
Public Health Nurses	150
Registered Nurses/Midwives	900
Enrolled Nurses/Midwives	1,950
Family Planning Workers	100
Traditional Birth Attendants	Not all identified

Source: Ministry of Health (The ratio of patient to doctor is 1:23,000)

220. The maternal mortality rate is estimated to be 500 per 100,000 live-births though some deaths are not recorded especially in rural areas. The high rates are due to anaemia, haemorrhage, sepsis, induced or spontaneous abortions, eclampsia, ruptured uterus or obstructed labour.

221. The fertility rate is high with women having an average of seven births by the time they reach the end of their child bearing age. Overall fertility has remained the same, that is, just over seven children per woman during the last 15 years. Women in urban areas especially Kampala, have fewer children than women in rural areas. A significant finding is that fertility is linked to education; women with higher education have an average of 5-6 births, compared with 7 - 8 births for women with no education at all (Demographic Health survey, 1989) child bearing begins at an early age, with 60 per cent of women having their first birth before the age of 20 years. Less than 3 per cent of women have their first birth at the age of 25 and above, and 5 per cent of women continue to produce children after the age of 45 (DHS, 1989).

222. The risk of a mother dying increases with the number of pregnancies a woman has. Producing children too early before 15 years or too late i.e. after 45 years, and frequently at less than two years interval, contribute to the high mortality rate. Poverty contributes a lot to the high rate of maternal deaths because women do not have money for transport to attend health facilities when pregnant or during delivery. Other problems are inaccessibility of services and lack of enough trained personnel.

223. The infant mortality rate is approximately 110 per 1,000 live births.

TABLE 20

Infant and Childhood Mortality by five year calendar periods 1988/89

Period	Infant mortality rate (IMR) per 1,000 live births	Childhood mortality rate (CMR) per 1,000 live births	Under five mortality rate per 1,000 live births
1973-1977	91.9	95.5	179.6
1978-1982	113.9	97.0	199.9
1983-1988	102.2	88.1	180.4

Source: Mulago Hospital

224. The table above indicates an increase in mortality particularly for infants. The most likely reason for this increase is the deterioration and destruction of the health infrastructure during the civil wars from 1973 to 1986.

TABLE 21

For the period of 1978-1988 there was a difference in infant mortality between rural and urban areas.

Residence	Infant mortality rate (IMR) per 1,000 live births	Childhood mortality rate (CMR) per 1,000 live births	Under five mortality rate per 1,000 live births
Urban	103.1	67.6	163.7
Rural	106.6	94.0	190.6

Source: Mulago Hospital

225. Among other common death causes for infants are infection in the upper respiratory tract, diarrhoea, and measles which are the leading causes of death for children below 5 years of age; malnutrition, malaria and helminth infestations such as hook worm. Today, AIDS is one of the chief causes of high infant mortality rates, being passed to the unborn child while still in the mother's womb or through breast. feeding after birth.

226. The life expectancy at birth is 3 - 4 years for males and 4 - 5 years for females. The crude birth rate is 50 per 1,000, while the crude death rate is 20 per 1,000. Seventy to eighty per cent (70 - 80%) of pregnant women receive ante-natal care at health centres and about 15 per cent deliver in the hands of traditional birth attendants in the rural community. Most women in rural areas start attending at 30 - 36 weeks of gestation, instead of attending early so that they are planned for.

Access to Family Planning Services

227. Family planning is an old practice dating far back, and it was used to avoid unwanted emergencies. In recent years, there has been a growing realization of the need to programme family planning in Uganda, though its implementation is still in the early stages. Today, family planning centres on the survival of the child, the maintenance of a healthy mother and the propagation of a good psycho-social relationship within the family concerned.

228. Uganda is in the process of formulating a population policy which will have to address the problem of high population growth. The current population growth is 2.5 per cent.

229. The government is advocating for family planning services for women so as to reduce maternal morbidity and mortality but not for population control. Family planning services are currently provided through clinics administered by the Family Planning Association of Uganda through governmental and nongovernmental health units.

TABLE 22

Contraceptives use in family planning

Contraceptive method	No.	%
Oral contraceptive	201,784	12.3
Injectable	47,684	3.0
Intra uterine device	18,340	1.2
Diaphragm, jelly, foam	7,336	0.5
Condom	29,344	2.0
Female sterilization	26,675	2.0
Traditional methods (Herbs, charm etc)	605,218	38.5
Periodic abstinence	480,507	30.5
Withdraw	154,105	10.0
Total	1,570,943	100.0

Source: Uganda Demographic Health Survey, (1989 DHS)

230. The table above shows the use of contraceptives. About 38.5 per cent of women in child bearing age use traditional means of contraception.

231. Most of the district hospitals are able to perform sterilization although these hospitals may offer no other form of contraception. It has been a practice to require consent of husbands before sterilizing a married woman. This of course deprives the woman of her rights to determine her reproductivity.

232. The percentage of married women who know at least one modern method of contraceptive is higher among urban women than rural women. Contraceptive use is 5 times higher among urban married women (18%) than rural married women (4%). Furthermore, family planning is practised more amongst single women to avoid pregnancies outside marriage, than by married women. In light of the low use of contraceptives in Uganda, family planing services could be improved by setting up clinics at health centres and by encouraging community based outreach since person to person communication is the heart of most family planning programmes. This necessitates good counselling. Community education about family planning could be provided in ante-natal and pre-natal clinics or even through radio. Traditional birth attendants could also be used as agents of health education in the local community to ensure a wider supply of facilities and an increase in staff for adequate counselling. This could be achieved by training more community health workers and traditional birth attendants.

Maternity Leave

233. Pregnant women who are employed are given 45 days paid Maternity Leave. This leave is independent of annual leave. There are also some days off before delivery, referred to as sick leave which is not part of the maternity leave. The rural women do not rest at all. They come from the field to deliver and they are back to work a few days later.

234. However, women carry their babies with them so that there is exclusive breast feeding before the age of 4 months. The main problem comes in weaning. Women tend to underfeed their children during this period and they offer more of the breast milk than any other nutritive

food. They themselves do not eat enough during pregnancy and lactation yet they do a lot of work. to feed their families.

Determination of women's fertility

235. In Uganda, women's fertility and the number of children they have is controlled by their husbands and also by the fact that women depend a lot on the unpaid labour of their children. The bigger the number, the less the work. With a high childhood mortality rate women tend to produce more children as an insurance method. The rationale is, if some die some will remain. In most of the cultures in this country, children provide security for women. Furthermore, if a woman has no child, she is considered an outcast and has less rights in her home. The age at marriage has been raised to 18 years and, with girls spending more time at school, the fertility rate will definitely lower with time.

Abortion Law

236. In Uganda, abortion is illegal. It is done under unhygienic conditions by non medical workers at a low cost or by health workers at a high cost, but most cannot afford the latter. Abortion is only legal on medical grounds, that is, when two independent doctors decide to carry out an abortion for the good of the woman's health. Women with complications after abortions do not report at all or report late to hospitals. When such cases are reported, they are given the necessary treatment. However, facilities to handle the magnitude of women with complications are inadequate and that contributes to death.

Female Circumcision

237. The traditional practice of circumcision in Uganda is not so widespread. The Bagisu community on the Southern slopes of Mount Elgon in Eastern Uganda have compulsory circumcision of their males. What is of concern to us here however, is the practice of female circumcision i.e clitoridoctomy which is traditionally compulsory among the Sebei/Sabiny community of 160,000 people on the Northern slopes of Mount Elgon.

238. The Sebei/Sabiny occupy a mountainous district of their own known as Kapchorwa District, a name given after a principal town in an area of 1,738 sq. kilometres with a population density of 43 persons per square kilometre according to the 1980 population census. This means that the female population there, is about 75,000. This is the number of persons who by virtue of their sex are subjected to a most cruel age old custom.

239. The area is extremely fertile and productive in cereals including wheat and barley due to its volcanic soils and average altitude of 6,000 feet above sea level. Due to bad terrain, the district has been marginalized and it is not until recently when it was fully integrated in the mainstream of the country's development. This is worsened by its terminal location at the fringes of the country on the eastern border with Kenya. This marginalization is reinforced by the fact that the Sebei have a language and some ethnic characteristics which are different from any other of the 40 tribal groups in Uganda.

The Practice

240. The custom has been practised by the people of Kapchorwa District from time immemorial and has assumed almost an immortal stance. To date there is no effective move to eliminate the practice which makes it compulsory for a Sabiny to undergo the traditional initiation of circumcision at puberty. The ceremony includes traditional dancing, feasting on slaughtered animals and alcohol arranged by the parents. With the female, the operation involves the excision of the clitoris, labia minora and labia majora which are cut out. It is intended traditionally to cleanse the person and to lower the sexual desires in women to avoid

possible promiscuity or "excessive desire". It marks the transcendence from adolescence to womanhood when one can commence active sexual intercourse forbidden for the uncircumcised. Pregnancy before the ritual is a taboo. The girl is expected to lie still during the operation which is carried out without any or only with local anaesthesia and with traditional circumcision knives. Any sign of discomfort or evidence of expression of pain renders one an outcast. As such the practice is so fundamentally ingrained in the cultural system of the Sebei that it is difficult to discourage it. An uncircumcised female may not get married to a Sabiny and this makes circumcision a matrimonial pre-requisite.

The medical aspects

241. The female victim of circumcision suffers severe haemorrhage sometimes leading to death especially for pregnant women. The general danger now is the risk of transmission of the AIDS disease as the communal use of the same knife which is unsterilized particularly encourages its spread. The traumatic effect of the raw pain is somewhat translated into a tolerant show of spartan bravado, a virtue much emulated.

242. According to general observation from medical studies, the usual complications of female circumcision have been noted as common. Due to the removal of the labia minora, there is scarring and tightening which make normal sexual intercourse difficult, unsatisfactory and painful. Other complications are infections, urinary complications, shock and retention cysts. Others are infertility and severe difficulty in child delivery, and for the enlightened women, the inadequacy that looms with the removal of one's parts is severe and irreversible.

243. There are today conflicting opinions regarding the tradition with the few educated people wanting the practice abolished for its violation of human rights. The dangers of outlawing it are that the fundamentalists will resort to secrecy and will continue the operation undetected. To demonstrate this point, we report below the recent struggle between women leaders in the district and the district council. Instead of spearheading the elimination of female circumcision in the district, the Councillors passed a by-law not only to legalize it but to compel it.

244. On 29th November, 1988, a memorandum was sent to the Minister of State for Women in Development (as it was then) by the Kapchorwa Council of Women expressing bitterness at female circumcision in the district. The memorandum was prompted by a resolution of the Kapchorwa District Resistance Council (the legislative authority for the district) to the effect that the tradition of circumcision of girls and women be made compulsory. A by-law was proposed and passed to this effect by the District Resistance Council.

245. The women rose up against forced circumcision of women for the following reasons:

The custom/practice has become repugnant and was no longer justified;

Circumcision deprived women of sexual wholesomeness;

The circumcised women got complications at child birth;

While female circumcision, as an initiation ritual, encouraged early marriage, there was evidence that early separations from marriage occurred due to intolerance by both spouses of the multiple gynecological complications the circumcised women experienced;

There was no value/benefit the women got out of being circumcised;

The operation done under unhygienic conditions can lead to the spread of the deadly AIDS disease, tetanus etc.

246. To make matters worse, the Chairman of the District Resistance Council had informed Council that he would personally enforce the compulsory circumcision with effect from 1st December, 1988 with.the aid of organized youths. In their memorandum, the women stated that they were under-represented in the Resistance Council and as such could not make decisions on their own as women for their own good.

247. In response to these development, the Minister (WID) immediately visited the District and on 14th December, 1988 met the district leaders and representatives where the problem of compulsory female circumcision was discussed and a plan worked out to educate the people against the practice.

248. However, as at January, 1989 the following report was sent to the Minister by the Kapchorwa District Council National Council of Women.

> "After a temporary lull, four (4) girls were forcibly abducted, one a school teacher and another a mother of a two week old baby. They were circumcised against their will after a group of violent young men organized to abduct the 50 called women-circumcision-defaulters in Sipi sub-county, Chema Parish had grabbed them. The husband of the lactating mother reported the grabbing of his wife to police but the police were resisted by the organized youths and failed to rescue the woman. Even the village Resistance Council officials declined to reveal the names of the culprits to the government authorities and the husband of the lactating mother has been threatened with forceful eviction from the village for letting the police know. Even the three of us (women councillors) who came to your office are at risk; they have vowed to grab any of us even while on transit in vehicles."

The law

249. The Uganda Penal Code Act Chapter 106 Laws of Uganda contains numerous provisions that make it criminal to effect forceful arrests as appears in the Kapchorwa episodes. There are also offences relating to indecent assaults, endangering life or health, or causing grievous harm. However, in practice, and in view of the circumstances of the age old customs which developed some degree of coercion necessary to ensure that the timid also get circumcised, few, if any, cases have been reported or successfully prosecuted. It is unfortunate that the recent Penal Code Amendment Statute of 1990 which sought to protect women and young persons against violence and abuse did not address this problem of female circumcision.

250. Section 8 (2) of the Judicature Act No. 11 of 1967 does not approve of any established custom or usage that is repugnant to natural justice, equity and good conscience or is incompatible with any written laws. It is submitted that the age old custom among the Sebei of female circumcision is clearly repugnant and constitutes a danger to health and is punishable by law. However since it has been practised by a fairly small mountain community of approximately 160,000 people, national concern has not yet been sufficiently focused on the custom to pave the way for its elimination. Some men have even cynically argued that since Sebei males were circumcised, it was only fair that the females got equal treatment. They are ignorant of the extensive damage to a victim the practice inflicts.

Avoidance of Discrimination Against Women in National Strategies for Prevention and Control of Acquired Immunodeficiency Syndrome (AIDS)

> (a) "States parties intensify efforts in disseminating information to increase public awareness of the risk of HIV infection and AIDS, especially in women and children, and of its effects on them;
>
> (b) That programmes to combat AIDS should give special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in some societies which make them especially vulnerable to HIV infection;
>
> (c) That States parties ensure the active participation of women in primary health care and take measures to enhance their role as care providers, health workers and educators in the prevention of infection with HIV;
>
> (d) That all States parties include in their reports under article 12 of the Convention information on the effects of AIDS on the situation of women and on the action taken to cater to the needs of those women who are infected and to prevent specific discrimination against women in response to AIDS."

251. According to the latest figures, the number of AIDS infected persons in Uganda is between one and three million people and about 500,000 new cases will come in 1992. The National AIDS Control Programme has also determined that more women die of AIDS than men, with the death rate of 53 for women as to 47 for men. According to the latest report out of 15,569 total AIDS reported cases, 6,394 are women. In Rakai alone which is having the highest infection rate, about 35 per cent of all the female between the age of 15-25 years of age were infected. According to the government owned New Vision Newspaper of 2nd August 1990, 15 per cent of blood donors in the country were infected with the virus.

252. In Kampala alone, the report states that 20-25 per cent of ante-natal mothers were infected and 30 per cent of the mothers bore AIDS infected children. The national figure for AIDS sufferers who had voluntarily reported by 1990 was 17,000 compared to 12,144 cases in 1989. This would roughly mean that one out of every 1,000 persons is infected. The likelihood of infection increases with proximity to certain age groups and risk brackets. The high rate of new cases of the AIDS scourge is likely to consume the population with untold loss of productive people.

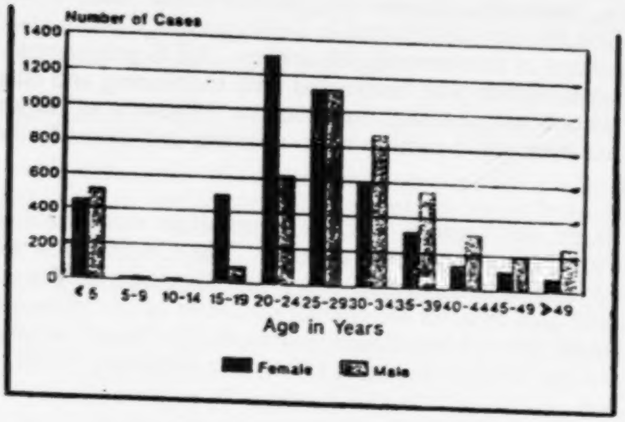
253. It is even feared that as many as twice the number of persons have died of the disease but some are unrecorded for a number of reasons. Others commit suicide whilst yet others are recorded as having died of T.B., meningitis, or witchcraft particularly in remote rural communities. Table 23 gives a stratification of the AIDS cases by sex.

254. As of June 1989 the cumulative number of AIDS cases among children under 12 was 1,085. Most of these were diagnosed in the first 25 months of life with infant cases presenting throughout the first year of life.

255. Unfortunately, these figures represent those extracted from only 19 health facilities and omit the unrecorded cases occurring in the remote rural areas. Even then there is an increase of 20 per cent in paediatric cases. 197 or 447 mothers were ill with AIDS and 355 of 365 other mothers were antibody positive. Therefore, 79 per cent of the mothers were either infected or had HIV related illness and 12 mothers had died at the time the June report was compiled.

TABLE 23

Age of AIDS cases up to 30 September 1989 stratified by sex



Source: AIDS control programme, Ministry of Health

256. In relation to the social consequences, it is clear that hospital beds are crowded with AIDS patients that need long term terminal care. For example, 30 per cent of the beds in three large hospitals in the country are, according to the AIDS Control Programme (ACP) under AIDS while 70 per cent of the patients in the T.B. wards are also HIV infected. It is known that AIDS will have greater adverse impact on agricultural production and development.

257. Government therefore, set up the ACP as a special unit in the Ministry of Health assisted by focal point officers in the Ministries of Defence, Education and Sports, Local Government and Churches and NGOs.

258. Their emphasis is in the following areas:

Health education;

Safe blood supply (Laboratory and Transfusion Services);

Monitoring the Epidemic (Epidemiology and Surveillance);

Patient care;

Re-equipping of the Uganda Virus Research Institute.

259. Thirty health educators and 66 assistants have been trained and specially designed health learning materials prepared. A video cinema has been shown to and involving the village Resistance Committees. There has also been systematic school programmes and national seminars, mass media posters, manuals and bold television warnings. Rapid screening of blood products has been started. Women have been involved both individually, as professionals, and through various NGOs in the counselling and vigilance training.

260. In view of the alarming magnitude of the AIDS epidemic in the country, government has decided to address the problem through a multi-sectoral approach. Previously, control measures were centred in the health sector, but now other fully fledged control programmes have been established in other key sectors of Communication, Labour and Social Services, Education, Community services, Defence, Economic Development and Women in Development, Culture and Youth. The Ministry of Women in Development, Culture and Youth is regarded as one of the most important of the sectorial Ministries. AIDS programme in the Ministry is headed by a Deputy Commissioner who is charged with mobilizing and educating women control. A committee whose membership include the Ministry of Women in Development, Culture and Youth has been set in motion to co-ordinate and intensify the fight against the disease among women.

261. Recently an independent body, the Uganda AIDS Commission was established to guide, direct, coordinate and monitor the multi-sectoral strategy. The Commission which is chaired by the President of Uganda is to establish policies and guidelines on HIV and AIDS related matters. The Commission will also monitor the control measures of the various sectors by listening to the voices of the people through the Commission's field officers and the grass root leaders. It is hoped that this strategy will harness more efforts in combatting AIDS.

ARTICLE 13

ECONOMIC AND SOCIAL BENEFITS

> "States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure on a basis of equality of men and women, the same rights, in particular.
>
> (a) The right to family benefits;
>
> (b) The right to bank loans, mortgages and other forms of financial credit;
>
> (c) The right to participate in recreational activities, sports and all aspects of cultural life."

The Right to Family Benefits

Child and Married Allowances

262. By provisions of sections 36 and 38 part IV of the Income Tax Decree 1974 only husbands could claim benefits available to married persons and child tax allowances. The situation was, however, alleviated to include women as beneficiaries by an Amendment brought about by the Finance Act No. 406 by which sections 36, 37 and 38 of the Income Tax Decree 1979 were deleted replacing married, single and child allowances, by personal allowance and individual relief which benefits both men and women in salaried employment.

263. The deleted section 38 was discriminatory against women by giving the child allowances to husbands. The introduction of personal allowances and individual relief to those in salaried employment means women in salaried employment are no longer discriminated against as was the case under the Income Tax Decree of 1974.

Housing Allowance

264. Government workers are entitled to housing irrespective of sex. In parastatals, housing subsidies are paid at fixed rates of gross salaries to certain categories of workers. The executives are entitled to full housing allowances in case no house is provided. The facilities are given according to position and qualification irrespective of sex. However, housing allowances are treated as taxable incomes.

Travel Allowance

265. In Uganda, a travel concession is granted for a wife or husband and for children once every two years to employees when going on leave from their duty station to their place of domicile.

266. In the case of public servants this facility was abolished in 1989.

Child Care

267. A child born out of wedlock usually stays with the mother, and the Affiliation Act makes a father responsible for providing financial material support for the child if the mother makes an application and proves that the man is the putative father of the child. He is compelled to provide maintenance until the child is 16 years of age. The amount paid is presently Ug. Shs. 2,000/- (US $ 2) per month or a lump sum of Ug. Shs. 15,000/- (US $ 15). However, in practice very few women who care for children born out of wedlock get the services from the fathers, let alone the fact that the amount is too small for maintenance.

The Right to Bank Loans, Mortgages and other forms of Financial Credit

268. Traditionally, bank loans, mortgages and other forms of credit are provided by government, private and foreign owned financial institutions. These include Uganda Commercial Bank, Uganda Development Bank, Cooperative Bank Limited, Centenary Rural Development Trust, UGADEV Bank, Uganda Women Finance and Credit Trust, Barclays Bank, Grindlays Bank, Standard Chartered Bank, Bank of Baroda and a number of other smaller banks and housing finance schemes.

269. In theory, women can borrow from any of these financial institutions as long as they are able to fulfil all conditions laid down.

270. By statutory instrument No. 7 of 1986, the Credit Guarantee Scheme was established in Bank of Uganda. It is currently managed by the Development Finance Department under which operates Uganda Women's Credit Desk. Under the Scheme, the Bank of Uganda provides the guarantees to any Credit facilities advanced to the borrower by credit institutions which participate in the scheme. Credit is advanced for agricultural and small scale industrial development irrespective of the sex of the borrower.

271. Though there is no state legislation discriminatory to women in the existing credit schemes, there are limitations to women's access to credit which are built within the traditional and cultural systems of resource ownership. For instance, many women have no title to property and thus no appropriate security acceptable to lending institutions.

272. In recognition of the fact that rural women are the backbone of Uganda's agricultural economy and, given the need to fully integrate them in development, the government through Uganda Commercial Bank (UCB) has set up the Rural Farmers' Credit Scheme (RFS) and a Mortgage Scheme to address the need for credit for rural development.

273. The Rural Farmers' Scheme aims at encouraging women's participation by doing away with past procedural constraints e.g. land, security, eliminating discrimination between married and unmarried women and generally according to women priority over men in the extension of credit. The target is 70 per cent women beneficiaries from the loans extended by the Scheme. The Scheme's lending approach emphasizes capability and character of the participants. However, a borrower who advances security pays a lower interest rate i.e. 29 per cent compared to 33 per cent paid by a borrower who has no security. Initially out of 64 UCB branches only 30 were participating in the Scheme. But according to a survey by the Ministry of Women in Development, Culture and Youth, only 33 per cent of the beneficiaries were women.

274. In addition to the RFS, Uganda Commercial Bank has established a mortgage scheme to assist people improve their housing conditions. Under the scheme, loans are extended to purchase building materials. Women are expected to benefit from this scheme as it considers beneficiaries of the rural farmers scheme as well as other members of the public.

275. The Uganda Women Finance and Credit Trust (UWFCT) an NGO affiliated to Women's World Bank (WWB), offers credit to women borrowers exclusively. The lending procedures emphasize character and potential of the woman rather than the ability to provide security. Loans have so far been advanced to women groups and individuals for agricultural and Small Scale business projects. UWFCT has also organized training programmes and workshops where rural women have been educated on management, appropriate technology and the use of credit facilities.

276. The unique feature of UWFCT is that it is an indigenous women's effort to assist themselves get into the main stream of development.

277. An effort is therefore being made to facilitate women's access to financial credit, and, private financial institutions are also trying to give more opportunities to women borrowers by waving off some of the difficult lending procedures.

The Right to Participate in Recreational Activities, sports and all aspects of cultural life

278. In Uganda, government policy on culture and sports is developed and implemented by the Ministry of Women in Development, Culture and Youth; In the case of schools, the Ministry of Education and Sports plays a bigger role. Women in Uganda have a right to participate in recreational activities and sports. In Primary Schools, sports and recreational activities, like traditional dances and drama are part of the physical education curriculum aimed at developing both girls and boys.

279. In Secondary Schools, sports and recreational activities are as important for girls as for boys. District, zonal and National Sports competitions for Primary and Secondary Schools are organized annually. Institutions of Higher learning, too, emphasize men and women sports and recreational activities. Inter-hall competitions for all halls of residence are organized annually. Makerere University participates in the Regional sports competitions of the East and Central African Universities.

280. The government has demonstrated its commitment to equal rights of women and men in sports. For instance, National teams which participate in international sports competitions are composed of both men and women e.g. Uganda sent a team to the Olympic in Seoul, Korea, 1988. There were fewer women players due to failure to meet the required international standards and not due to local discrimination.

281. There is also a National Council of Sports which develops and coordinates sports activities. This council encourages the development of sports clubs in various institutions e.g.

the Police, Prisons, Banks and other parastatal organizations. These sports clubs have managed to compete in National, East and Southern African competitions and in other international competitions.

282. Though women have participated in institutional sports activities, the situation in rural areas and the informal sector is different. Many of the girls who drop out of school and get married lose contact with the sports world. The right of women to participate in sports is more tied to age and the social status of an individual. Most of the traditionalists associate sports with the school going age and look at a married woman participating in sports as a shame.

283. Also, women do not have enough leisure time to spend on recreational activities, let alone society's opinion; they are bogged down with child birth, child care, and other household chores. Therefore it is evident that even if the state laws do not discriminate against women's participation in sports and recreational activities, rural women are still constrained by the social, cultural and traditional roles in our societies.

284. However, a number of cultural and sports clubs have been formed. They are composed of both married and unmarried women; participating in sports e.g. Net-ball and performing cultural dances, and plays at the village, district and national levels.

285. At the national level, an annual women's music, dance and drama festival is organized and the women participants come from various districts of the country. At the end of the event, the winning districts are awarded prizes.

286. The Ministry of Women in Development, Culture and Youth has composed a play on the constitutional rights of women. Women groups have been invited to participate in developing this play and to educate fellow women on their rights.

287. Government recognizes the importance of preserving culture. Some cultural values, languages/literature and other customs are passed from generation to generation through the grandparents at home and by teachers at schools. Both male and female students are encouraged to take part in these activities.

ARTICLE 14

RURAL WOMEN

> 1. "States Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sector of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas:
>
> 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development, in particular, shall ensure to such women the right:
>
> > (a) To participate in the elaboration and implementation of development planning at all levels;
> >
> > (b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non.formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

288. To participate in the elaboration and implementation of development planning at all levels.

289. In Uganda, women may participate in the elaboration and implementation of development planning through the Secretaries for Women Affairs in RCs which are also policy formulating organs of government, and in the implementation of programmes, for instance, construction of schools, health centres and feeder roads. Also two regional water and sanitation programmes have registered increased women's participation in community based projects. These are, the Eastern Uganda Water and Sanitation Project and the South-West Integrated Programme funded by DANIDA and UNICEF respectively.

290. In these two programmes women have been mobilized to protect, construct and maintain water sources. Some women have even been trained as pump mechanics. The expected results of the programmes are:

Provision of safe drinking water to the public;

Reduced incidence of water borne disease;

Reduced work load for women by constructing water sources within easy reach of women; and

Improved sanitation facilities to the public.

291. Other than those programmes already mentioned, the Ministry of Women in Development, Culture and Youth and other institutions have started a number of programmes with emphasis on women's participation: Prominent among them is the Umbrella Project, supported by UNDP. The immediate objective of the project is to train 68 trainers from 34 districts in Uganda. The trainers will be equipped with managerial and leadership skills. On their return to the rural areas, the trainers will organize training programmes for women and sensitize policy makers at all levels to gender related issues.

292. Another component in the Umbrella Project is to establish focal point officers in the different departments for the purpose of integration of women's programmes.

293. Economic Commission for Africa (ECA) sponsored a Pilot Project on Women's Entrepreneurship Development and Access to Credit.

294. Objectives of this project include:

To develop women's access to both institutional and informal credit through training and services of extension agents;

To facilitate women's access to both institutional and informal credit through training and services of extension agents;

To bridge the gap between credit institutions and rural women through organizing seminars and workshops for women, extension workers and bank officials.

The project implemented a Pilot Scheme in the Mukono district to demonstrate different possibilities of using credit facilities for development of small scale women's enterprises.

295. A credit support system for productive activities of rural women is to be developed with assistance of the Canadian International Development Agency (CIDA) and UNIFEM under which the government is to set up a Pilot Project to test the feasibility of a Revolving Credit Scheme for rural women.

296. The main objectives are:

Availing credit to rural women engaged in income generating activities;

Encouraging women to start viable income generating projects and to uplift their economic status;

To create confidence in women to participate as full members in groups and cooperatives.

297. The Rural Farmers Credit Scheme: The Programme started operating in Uganda Commercial Bank (UCB), in 1987, on a pilot basis for three years covering 30 branches of UCB.

298. The scheme gives priority lending to women and at the beginning it targeted 70 per cent of the loans to women borrowers. The objectives are:

To offer an opportunity to develop agricultural, livestock and fishery enterprises through the scheme; focussing on rural farmers who have not benefited from the traditional banking machinery due to stringent requirements and conditions often demanded by banks when granting loans;

To help rural farmers expand their operations and increase their out-put from subsistence to commercial production level. Thus, increasing their income and productivity to up-lift their standard of living.

299. Constitutional Consultation Project: Government through the Ministry of Women in Development; Culture and Youth with the assistance of DANIDA has implemented a two year constitutional consultation programme. Under this programme women in rural areas were educated about the constitution and the role they can play in formulating a new constitution. The project aimed at creating awareness among women so that they could ensure that all forms of discrimination against them are eliminated through constitutional provisions.

Social Security Programmes Pension or (Retirement Benefit) Schemes

300. The Pensions Act Cap 281 and other respective legislation provides retirement pensions or benefits for government employees recruited by the Public Service Commission. The beneficiaries include those employed as teachers, members of the Uganda Police Force, Prisons Services, Army and Air Force, plus the Traditional Civil Service.

301. According to the 1987 public service census, the public service was composed of 239,529 persons. Of these employees 57 per cent were established staff and out of these only 23 per cent were females. Therefore, even though women are entitled to the retirement benefits, their rate of participation in the established service is very low. Moreover with an unstable currency, the real value of pensions or benefits tends to be ridiculously eroded by inflation.

Social Security Fund

302. The National Social Security Fund was set up for group employees in government employment and employees of private enterprises who are not catered for under the Pensions Act and any other social security legislation. Women in the formal sector employment who are not entitled to pension qualify for a retirement benefit from the Social Security Fund.

303. Sections 18 to 21 of the Social Security Fund Act provides respectively for employees who are 55 years of age and have retired from regular employment or are not in gainful employment or occupation, to withdraw benefits for fifty year old employees, and invalidity benefits for employees who can no longer earn a reasonable livelihood owing to physical or mental disability that partially or totally incapacitates them.

304. Contributions are made to the fund on a monthly payment by the employer of 15 per cent of the total wages paid to the employee during that month. Of the 15 per cent paid into the Fund, the employers contribution is 10 per cent and the employees contributions is 5 per cent deductible as per section 11 (1) of the Act.

305. However, the Fund faces the problem of employers, especially of government Ministries, not paying in time as is the case with private enterprises. In case of private enterprises, the requirement that these get clearance certificates from the Fund before they can get a trading licence, has ensured their payment in time. Monies accruing from the Fund to eligible employees is minimal given the marginal contribution owing to wages/salaries. Therefore the eligible workers do not get adequate security in case of retirement due to old age and/or disability. The majority of rural women are not in salaried employment but in informal production. Hence, they don't benefit from the Fund.

Insurance Schemes

306. Insurance Schemes in Uganda are operated by institutions like, the National Insurance Corporation, Uganda American Insurance Corporation and some private firms. The government and other employers make no contributions to such schemes. It is only the individuals who can contribute the premiums required to cover the risks involved, that benefit from the schemes.

307. Insurance policies are available to cover different risks, death, accidents, etc. The Insurance system in Uganda also offers services to all people irrespective of sex. However, the majority of the rural women do not benefit from the scheme. First, they cannot raise the required contributions and secondly, the institutions are operating in the urban areas and very few women understand the usefulness of such schemes.

Self-help groups and cooperatives

308. Theoretically, women in Uganda, as anywhere else, are free to become members of groups and co-operative societies. There is a number of women co-operative groups registered with the Registrar of co-operatives, while other women's groups are registered with the National Council of Women. By March, 1989, there were 150 women groups of which 14 were fully registered.

309. According to a Needs Assessment Survey conducted by ACFODE and UNICEF in 1988, 18 per cent of the women population belong to women's groups, 3 per cent to agricultural co-operatives and 40 per cent of the women belong to informal self-help groups for help in times of need.

310. The women groups do a variety of things, such a marketing of agricultural produce, transacting credit from savings, making handicrafts, food production and other income generating activities.

311. The government through the department of Co-operative Development set up a Women Cooperatives Activities Programme (WOCAP) in 1983 to encourage women to participate in cooperatives and develop leadership qualities among women cooperators.

312. Also, the Ministry of Women in Development, Culture and Youth and Non-governmental Agencies like ACFODE and National Council of Women are encouraging women to form income generating groups in order to emancipate themselves from social, cultural and economic backwardness.

313. Constraints encountered by women groups in rural areas include:

Meagre capital base to support newly started group projects;
Lack of credit facilities for the informal groups;
Lack of management skills and co-operative education among women;
Lack of time to participate in co-operative meetings.

Community Activities

314. Rural women do participate in activities such as funeral rites and weddings. It is almost mandatory that they participate in such activities in society. In addition they contribute labour for community self-help projects like construction of schools, health units, maintenance of feeder roads, and maintenance of water sources such as springs and boreholes.

315. Rural women also participate in religious gatherings and ceremonies in their communities. Some of them are members of religious associations such as Mothers' Union, Uganda Moslem Women's Association and Catholic Women's Association.

316. Through these organizations, women offer free labour and services to uplift the quality of life within their communities. Besides their participation in community activities mentioned above, women are involved in cooking, fetching water, house cleaning, collecting firewood,

digging, weeding, harvesting, marketing of produce and nursing the sick. The nature of activities dictates women 's working hours including time of waking up and going to bed. According to the report of a survey on assessing women needs in Uganda by UNICEF in 1988, 44 per cent of rural women in Uganda get out of bed by 6.00 a.m., to start daily work; the time of retirement varies from 8.00 p.m. to 11.00 p.m. Thus the amount of work performed by rural women using poor technologies and the long hours involved are associated with the constant physical strain that women suffer from.

317.. In Uganda, government has not provided marketing facilities to women in rural areas. They are encouraged to utilize the available cooperative societies and stores of Produce Marketing Board agents which are under the Ministry of Commerce Co-operatives and Marketing.

318. People in Uganda are free to own land irrespective of sex. In practice however, because of customary land tenure, access to land is restricted. Under this system, land is in most cases passed onto sons and not daughters. Hence very few women own land through inheritance in the agricultural regions; but in the pastoral regions of North and North Eastern Uganda, land is owned on a communal basis where both men and women have access to land and share the problems arising from the system.

319. In areas where individual land ownership is acceptable, women can own land on a lease hold system though, according to ACFODE assessment survey of 1988, only 7 per cent of the women's population own land and of these only 8 per cent own it on a leasehold system. They are constrained by the heavy costs involved in getting a land title.

Living Conditions

320. Government has taken a number of steps to ensure that rural women and the entire population enjoy adequate living conditions .

321. Housing is a prerequisite to better living standards. Faced with limited financial resources, government realizes that it cannot put up housing units for the rural people and as such it has pursued a strategy of the "enabling approach" in which it has acted as a facilitator rather than a producer of housing.

322. Government efforts in this strategy have included the creation of the mortgage scheme in the Uganda Commercial Bank to augment the operations of the Uganda Housing Finance Company and building societies.

323. On the rural front, arrangements have been made to strengthen the Department of Rural Housing and each district is provided with an officer whose responsibilities include provision of technical assistance and community mobilization in the production of building materials. Also the procurement of medium and small scale brick and tile making machines has not only increased the supply of bricks and tiles, but also promoted and encouraged the use of locally available building materials in improving the housing conditions of the rural population .

324. Government housing laws do not discriminate against women. For instance, government workers are entitled to housing irrespective of sex. But the traditional beliefs in some parts of the country assume construction to be the exclusive role of husbands. Government has realized the increasing number of female heads of families especially in war ravaged areas like the Luwero Triangle, the North and North East where there is a large number widows.

325. Given such situations specific housing projects for women have been initiated. Among these projects is the assistance of women groups in rehabilitating houses in Masulita and the

DANIDA Funded Women's activities in the Masese Slum Upgrading Project in Jinja. Under the two projects women have received machines for producing building materials as an income generating venture, and also to improve their housing and living conditions. They are also getting trained in production and marketing skills of the building materials.

326. Through these projects some women have managed to up-grade their houses or to put up new and better ones. However, it may take time before enough funds are generated to extend the projects to other areas. In the meantime, the government of Uganda is in the process of formulating a National Shelter Strategy with the objective of assessing policy options that will improve the accessibility of all people to land, finance, building materials, equipment and manpower required for shelter development.

Water Supply and Sanitation

327. The rural woman is responsible for providing water to her family. Availability of water and access to safe water sources in rural areas varies greatly between regions and within districts. So women's workload in fetching water depends on how far the nearest water source is located.

328. The regular provision of adequate and clean water is a fundamental prerequisite to the improvement of health in particular and the living conditions of rural people in general. To this end, government objective is to provide safe drinking water and to improve sewage and sanitation facilities throughout the country, in order to reduce the incidence of water borne and water related diseases such as bilharzia and guinea worm.

329. Water and sanitation programmes focussing on rural women and children have been developed by government to ensure improved living conditions for these vulnerable groups. Among those programmes is the Rehabilitation and Construction of Rural Water Supplies. This is a nationwide programme involving the construction of boreholes, protection of springs and wells, pump replacement, development of protected gravity and other surface sources and construction of dams and valley tanks. Much of the work under this programme is carried out by the Ministry of Water and Local Government, with the assistance of international donor agencies - e.g. UNICEF is funding an integrated Health and Water Project in five districts in South Western Uganda. While DANIDA is financing the Rural Water and Sanitation East Uganda Project in four district in the Eastern region.

330. As a result of these efforts, according to the UNICEF Country Programme 1985 - 90, 1,566 springs serving 303,200 people were protected, 1,526 new boreholes drilled, 2,196 broken hand pumps replaced, providing 1,116,000 people with safe water. While by 1989, less than 12 per cent of the rural population had access to safe drinking water, this rose to 18.3 per cent by the end of 1990. The optimum population per water source is about 300. This is within a maximum distance of 1.6 kms to each water point.

331. Therefore, government efforts to avail safe water appropriate sanitary facilities to rural women is commendable, given its commitment to encourage women's participation in the planning and implementation of water and sanitation programme.

Transport and Communication

332. According to government laws, rural women are free to utilize the available transport and communication facilities, so long as they can afford the fares or tariffs. It is the poor road net work in the rural areas which constraints the movement of women. This also affects their access to markets and health services which are in most cases located in urban areas.

333. In view of these problems, the roads sub-sector is one of the sub-sectors which the government gives highest priorities. Accordingly, some effort has been registered not only in the field of roads maintenance but in rehabilitation and construction.

334. Presently, a rural feeder roads programme to rehabilitate a total of 5,000 kms of rural feeder roads is in progress in eleven districts of Uganda. This programme will assist rural farmers sell their produce as buyers will be able to travel to more productive rural areas.

335. It is also government policy to ensure that an independent and efficient road section with full capacity exists within the Ministry of Local Government, which is payable of rehabilitating and re-opening rural feeder roads annually. This is to ensure that, there is a continuous flow of farmers produce to markets and enable them increase their incomes.

336. In addition to the improvement of the road and railway network, government has emphasized the provision of public means like railway wagons, lorries and buses to parastatals like Uganda Railways Corporation, Uganda Transport Company, People Transport Company and to individuals who can afford to pay for the vehicles. As a result, the stock of lorries and buses serving the rural areas has increased.

337. Other means like cars, bicycles and motorcycles are mostly owned by individuals who can afford to buy them. Women's access to and the use of these means is limited by resources and social cultural beliefs in some parts of the country. For instance, women are not supposed to ride bicycles or motorcycles in Central and Western Uganda. In other parts women can ride, but majority of them cannot afford buying the motorcycles or the bicycles.

338. Social and cultural problems are being addressed through awareness creation seminars and training programmes organized by various government institutions, while the financial problems are being addressed through promotion of women's income generating activities by accessing them to credit, capital and management skills.

Electricity

339. Though Uganda has a cheap source of hydro electricity, the majority of the rural women have no access to this power. This is because transmission of this power has been limited to urban areas; due to the high transmission costs involved in electrifying rural areas.

340. Rural women's access to electricity is limited to the extent that even the few who have do not adequately enjoy the services due to lack of the necessary household electrical appliances. However, government is committed to the programme of electrifying rural areas as power can encourage the growth of small scale industries in those areas. Under the same programme diesel generators have been acquired and installed in seven districts.

ARTICLE 15

EQUALITY BEFORE THE LAW

1. "States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

> 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
>
> 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

341. As noted elsewhere in this report, Chapter 3 of the Uganda Constitution contains provisions which guarantee protection of fundamental rights and freedom of the individual, man or woman. Article 8 spells out very clearly that "every person" in Uganda shall enjoy equal protection of the law, the fundamental rights and freedoms of the individual, that is, right to life, liberty, security of the person, freedom of conscience, expression, assembly and association, and protection for privacy of his home and other property, and from deprivation of property without compensation. The enjoyment of these rights and freedoms is of course subject to public interest and other constitutional and legal limitations, but they are to be enjoyed by both men and women; so broadly speaking it can be said that according to constitutional provisions men and women are equal before the law.

342. There are some laws which apply to men and women equally, and are not discriminatory in their content, but are enforced by law enforcement agents in a manner that they are applied against the women. An example here is the Vagrancy Act, under which female prostitutes and loiterers can be rounded up and charged in court for loitering, a cover up for prostitution, while their male customers are not touched. There are a number of laws which do not treat men and women equally. For instance, the laws relating to adultery, and compensation for adultery do not treat men and women equally. According to the Penal Code provisions, a married woman commits the offence of adultery if she sleeps with any man, whether single or married, but a married man commits the offence of adultery jointly if he sleeps with a married woman, but not with a single woman. And curiously, a husband is entitled to compensation from the person who commits adultery with his wife, but the wife is not so entitled to claim any compensation from a party who commits adultery with her husband.

343. Section 150 A of the Penal Code provides:

> 1. "Any man who has sexual intercourse with any married woman not being his wife commits adultery and is liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding two hundred shillings; and in addition the court shall order any such man on first conviction to pay the aggrieved party compensation of six hundred shillings, and on a subsequent conviction compensation not exceeding twelve hundred shillings as may be so ordered.
>
> 2. Any married woman who has sexual intercourse with any man not being her husband commits adultery and is liable on first conviction to a caution by court and on a subsequent conviction to imprisonment for a term not exceeding twelve months." (Emphasis added).

344. This section shows that there is a difference in the ingredients of the offence of adultery and type of punishment as far as men and women are concerned. Men and women are treated equally by the courts. Any man or woman of the apparent age of eighteen years can sue or be sued in his or her own name. In criminal matters the legal capacity is determined by age of the offender rather than by sex. However when it comes to sentence of death, the Penal Code provides for some special treatment to pregnant women. Section 295 of the Criminal Procedure Code provides that where a woman convicted of an offence punishable with death is found to

be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of a sentence of death. Also under Section 108 of the Trial on Indictment Decree, a woman cannot be sentenced to corporal punishment as a man can be.

345. Female Attorneys can represent clients in court. There are many women lawyers who prosecute cases on behalf of the state and others in private practice who represent private clients in courts. There are women magistrates of different grades, and four women High Court Judges as well as other Senior Law Officers.

346. There is no jury system in Uganda, but the role of the jury is performed by Assessors in our judicial system whose decision is advisory to the judge, and not binding on the judge as a jury's decision would be. A women could serve as an assessor, although at the moment the assessors are all men, by sheer coincidence.

347. A woman can serve as a witness and her testimony carries as much weight as that of a man, and she is under the same civil obligation to give evidence when required.

348. Legally, women have equal access to legal services but because of their low level of education and very limited financial means, women do not make as much use of legal services as the men. Legal services are expensive, in terms of money and time. Also sometimes women, especially wives, do not resort to legal services or legal action in disputes involving their husbands for fear of the repercussions. For instance, many wives are constantly or seriously beaten by their husbands but they do not avail themselves of the remedies. According to the Penal Code Act, common assault causing actual bodily harm to anybody, wife included, are punishable offences.

349. Women have the legal capacity to enter into contracts in their own names, and many have done so. They enter into credit, real estate and other commercial transactions on their own. Where a woman acquires her property whether before or during marriage, she is free to administer that property without consent of a male. However, relatively few women have acquired real property in their own right. This is partly due to the discriminatory customary land systems and practices which did not encourage women ownership of land and also due to the fact that women are poor and generally do not have money to buy their own property.

350. The male interference is usually experienced when women have to administer their property which they acquired from deceased husbands, fathers, or brothers or other relatives through inheritance. Also interference is usually experienced where a woman's husband dies intestate. Customarily every property in the family is deemed to belong to the husband's relatives, who tend to interfere in its administration to the disadvantage of the wife and children. This usually happens in spite of the provisions of the Statutory succession Law, especially in rural families which follow their customary laws. Women can be executors or administrators of estates if so appointed, or if they apply to court, but in polygamous marriages, where there are likely to be disputes among wives and children, where a man dies without a will it is usually the brothers and eldest sons who will be administrators, or where there are wills, executors are likely to be brothers, eldest sons or close male friends nominated by the testator to avoid problems.

351. A woman has the right to choose where to live. But on marriage women almost always go to cohabit with the husband where they live since under the Marriage Law, a husband has the duty to maintain the wife. This means that more often then not a wife follows the husband's domicile, and so will the children of the marriage, as long as the marriage subsists. Where a woman divorces or separates from her husband, she can live anywhere she wishes and can acquire a different domicile if she so wishes. However, according to traditions or customs when a woman marries, she is regarded as having married into the family or clan, not just the one person. So where the husband dies, the family or clan still regards the widow as their

wife, and she can continue living with them, in the matrimonial home or with one of the brothers or other relatives.

352. Besides, if the woman has children, she will naturally be tied down to continue living with the husband's family or clan, so that they can assist her with the upbringing of the children, and also keep in touch with their clan, as the children follow their father's lineage. Traditionally, when a woman marries into another clan, she ceases to belong to her former social security offered by the husband's clan or family. However among the educated minority where women can be economically independent, this restriction need not be there. But the majority of women are not so educated. They live in rural areas, and are subjected to traditional or customary laws and practices.

ARTICLE 16

MARRIAGE AND FAMILY LAW

> 1. "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
>
> (a) The same right to enter into marriage;
>
> (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
>
> (c) The same rights and responsibilities during marriage and at its dissolution;
>
> (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
>
> (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
>
> (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
>
> (g) The same personal rights as a husband and wife, including the right to choose a family name, a profession and an occupation;
>
> (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration;
>
> 2. The betrothal and marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

353. Family relations in Uganda are governed by a combination of civil, religious and customary laws. This is because the Judicature Act which spells out the law applicable recognizes the application of: Statutory Law, the English Common Law, at the date of reception of that law, i.e. (the law that was applicable in England as at 1893) and customary law which is not repugnant to any Statutory Law nor against natural justice, morality and good conscience.

354. Civil marriages and divorces are governed by The Marriage Act Cap 211 and the Divorce Act Cap 215 laws of Uganda. Customary marriages are governed by customary norms and practices of communities. Thus they differ from community to community. A Customary Marriages registration Decree 1973 was passed to regularize the registration of customary marriages. Religious laws govern Christian and Islamic marriages. The Marriage and Divorce of Mohammedan Act Cap 213 provides, inter alia, that the Mohammedan religion shall govern all marriages and divorces between Muslims.

355. Long ago women used not to have a right to choose a spouse. This changed with the changing socio-economic conditions. As of now a woman has to a very great extent the same right as a man to choose a spouse. However, in some communities, especially in rural areas, isolated cases may arise whereby a spouse is chosen for a woman provided the man can pay the amount of bride price required. This is no doubt in customary marriages as these are primarily marriages between families and secondary marriages between spouses. In Islamic marriages too, spouses may be chosen for women. This shows that women do not have a right to enter into marriages with their free and full consent.

356. Parents or relatives can choose a spouse for a girl, this indicates that she has no choice but to accept and therefore she never consents to such a marriage; - even if she consents, this consent can be said to have been given because of coercion, undue influence etc.

357. The Registration of Customary Marriages Decree sets down the minimum age of marriage as 16 for girls and 18 for boys, this is when a girl and they boy are capable of consenting. Not withstanding this limitation, many girls and boys are known to have married below the said ages. For the ones below age, consent of parents and or guardians is required by law. It follows, therefore, that many girls who married before they are capable of consenting have married without consent.

358. Under Mohammedan Law, if a girl is a virgin, she can be given away by her father/guardian without her consent; provided the parents or guardians do consent. As regards Civil Marriages, both girl and boy must be above 21 years and must both consent, this is a legal requirement. However, Section 19 of the Marriage Act, provides that if parties are below 21 years (or are minors), a written consent of parents or guardians must be given. Therefore, a girl below 21 years may be forced into a marriage if the father and or guardian has given written consent.

359. As aforesaid the minimum age requirement by law is not respected and in most communities girls especially rural ones, who do not get a chance of going to school, marry below age and their marriages are legally recognized provided the consent of the parents or guardian is obtained.

Bride price

360. As regards civil marriages, it is not a legal requirement for a boy to pay bride price for a girl; a marriage can still be valid without payment of bride price. However, in practice, bride price is always paid. The actual practice differs in form and content from one ethnic community to the other. It ranges from payment of several head of cattle, money clothes, consumable items like sugar, salt etc; and of recent, this practice has been abused by parents and clan members asking for exorbitant sums and or commodities. This however, entirely depends on the clan or

parents. The enlightened parents more often than not merely ask for a token. Payment or non-payment of bride price does not in any way affect the validity of a civil marriage. Likewise on divorce there is no legal requirement to return bride price to a man. In practice though, and particularly in customary marriages bride price is always returned on divorce. Some communities return the whole, others part of it taking into consideration the duration of the marriage and the number of children produced by the wife.

361. On the other hand, validity of customary marriages depends on payment of bride price. As aforesaid, the type, mode and amount of payment differs and entirely depend on families. The most important point to note is that these days some families may waive payment. This emphasizes the importance of payment of bride price as a condition precedent to the validity of a customary marriage. In all Ugandan communities, it is the man's parents that pays the girls parents. The bride price is fixed by only male members of the family/clan; even the girl's mother has no hand in that affair; she is never present at the ceremony. Only a little part of it is given to the mother, mostly in terms of a new piece of cloth/dress - everything else belongs to the father. Similarly, customary divorce is by refund of bride price to the husband as aforesaid.

362. As for Muslim marriages, Sharia Law demands that 'Mahari' must be paid by the boy to the girl. This is property of a certain value as consideration for the girl to accept to marry the boy. It may be money, gold or anything she pleases. It is the girl who fixes it herself and it is for her and not for her parents. Without 'Mahari', a Muslim marriage is null and void ab initio. However, Muslims like other people, mix customs with Sharia Law. Parents thus ask for bride price but non payment does not invalidate the marriage (similar to civil marriages). Payment of bride price generally has adverse effects:

1) The transaction has assumed the character of selling and buying. Thus a man pays for a wife and regards her not as a companion or an equal but a mere chattel. At the same time, the woman has no confidence in a home because she knows that she is owned by the husband. Thus the husband can treat her in whatever way he likes.

2) Even if marriage irretrievably breaks down the woman may not dare resort to divorce because she knows that her father will be required to return the bride price. In such cases parents also make sure that she stays in the unhappy union for fear of having to refund the bride price, thus divorce in customary marriages is rare.

3) As for the 'Mahari' - it, too, is returned to the husband on divorce if the woman is the one at fault. But if the husband is at fault, he cannot claim it back after divorce.

Registration of Marriages

363. Section 32 of the Marriages Act Cap 211 requires all civil marriages to be registered in "The Marriage Register Book". Registers are at district levels and sub-country level. The sub-county level registrars must take returns to the district official who in turn takes district returns to the Registrar General of marriages based in the capital.

364. A marriage certificate can be issued by Church leaders who are licensed to marry people or by the District Executive Secretary.b The Customary Marriages (Registration) Decree No. 16/1973 requires spouses to register their customary marriage within 6 months after the final ceremony of such a marriage is performed. A certificate is then issued. Non registration does not affect the validity of marriage. Registration is conclusive evidence that the marriage took place. Registration must be done before the sub-county chief of the county or the head of the district where the marriage took place; at least 2 witnesses to the ceremony must be present.

365. Section 6 of the Marriage and Divorce of Mohammedan Act requires that registration of Muslim marriages and divorces should be made within one month after the marriage or divorce whichever is applicable. Registration does not in any way affect the validity of marriage. Suffice it to mention that customary marriages are potentially polygamous by nature. Therefore a man can marry as many wives as he wants. For a woman, she must marry only one man as polyandry is non existent in Uganda.

366. Mohammedan marriages are potentially polygamous. Here a man can marry up to 4 wives but not more. Provided that he can look after them in the same way, love them, provide for them equally. The Sharia Law says that if a man cannot manage to do that then he must stick to the number that he can manage. For the civil marriage i.e. wedding in Church or at the Registrar's place, it is "one man, one woman" for life to the exclusion of all others. The law prohibits mixing of marriages. Thus you take a choice right at the beginning. However, in practice, even men who take up civil marriages end up with customary wives. This is indeed a crime of bigamy but because it would end up in divorce, (the only remedy available to the woman in such circumstances) wives never pursue such matters as they would end up losing financial support, yet they cannot be on their own economically.

Property Rights

367. Property acquired during marriage is presumed to belong to the husband because in most cases the man who has a paid job and therefore it is assumed that he buys everything. Property acquired before marriage can be owned separately.

368. However, the practice has been that some girls who get married having acquired property before, pass it over to their husbands. In certain communities where girls can inherit land from their fathers, they have more often than not registered it in their husband's names.

369. Most Ugandan women are illiterate and as such do not have formal paid jobs. Not withstanding that they constitute 60 per cent of the work force the on land, and, that agriculture is the corner stone of the economy, they are regarded as being totally unproductive. The work they do both in homes and in production and processing of food and or cash is never quantified. Therefore, they are regarded as contributing nothing in a home and thus cannot jointly own family property with their husbands.

Maintenance

370. The law imposes a duty on a man to maintain his children and wife during marriage. Perhaps this too implies that women are not productive. However, in practice, women do maintain children in homes. In rural areas they produce all the food and sell off the surplus for clothing and sometimes school fees. Of course the wife must do all the household chores, she must look after the children, husband and in-laws. Those men who are very responsible, can grow cash crops, do wood-work and other money earning projects; these can pay school fees and clothing for children and wife. But as a general rule rural women do fend for themselves and their families. In polygamous marriages, a husband has a duty to provide shelter for each wife and land for cultivation. But men who cannot afford may put all the wives in the same house in separate rooms. (This is a very unique and unusual situation). Each woman produces her own food to feed her children. The man eats in the house where he wants to sleep. He still has the responsibility to pay school fees for children and assist his sons with the bride price when they grow up.

371. As for men and women living together in union but not legally married, at law they are companions and there is no legal obligation on either the man or woman towards the other. Of course in practice some are treated as wives; they are given shelter and maintained by the man. Problems arise when the man wants to get rid of such woman; she has no protection at all.

Even in times of the man's death she cannot inherit as at law she is not a wife and therefore not a beneficiary. However, parties which were living together before the Customary Marriage Decree aforesaid, were presumed to be married.

Custody

372. While husband and wife live together they are joint custodians of their children. If they separate, the court can order who should have custody of the children, the principle test being "the welfare of the children". Normally the law stipulates that a child who is below 7 years should be in the mother's custody. But if there is evidence to show that the welfare of such a child will be affected, court can order otherwise. In Muslim marriages any child above 2 years must go with the father in case of separation and in customary marriages if a child is no longer breast-feeding the father has the natural right to custody. As for guardianship, the father is the natural guardian of the children. But he must exercise this right in consultation with the mother of the child. If spouses separate or divorce, the same rule applies unless court orders that one party shall exercise this right. If the father dies, in customary marriages, his male relative (brother) is made guardian of the children.

373. A guardian of any child is under the legal obligation to provide reasonable maintenance for that child. In practice, however, most mothers are known to be maintaining their children solely.

374. All children born within wedlock or marriage recognized by law are presumed legitimate. But this presumption is rebuttable. The burden of proof however, is on the father. Children, however, born in a "living together union" are illegitimate except for purposes of inheritance where there is no distinction made between the so called legitimate and illegitimate child; their share in the estate is equal. However, single mothers have some remedy under the Affiliation Act. The maintenance award is Ug. Shs. 2,000/- which is equivalent to about US $ 2. There is rampant neglect of such children. Women do not have the right to decide number and spacing of their children. As long as the husband wants more children, the wife must produce. Even family planning facilities are not available to women without the written consent of their husbands. If the Family Planning Association issued a wife pill or an I.U.D. without such consent, the Association could be prosecuted. Since women do not have an outright choice on the numbers and spacing of children, it follows that a father of the child (or if he is dead), a male relative is entitled to determine religion, citizenship, domicile of the child, and the type of school the child must attend.

375. These factors no doubt affect the upbringing of children and as such children are much more influenced by the father than the mother. To make matters worse, children are identified by their father's 'clans' and therefore right from birth they know they belong to their father's family. In many communities, therefore, the father's family chooses a child's name from their clan names.

Choice of name, profession and occupation

376. The law does not require a woman to change name on marriage. However, practice is that about 99.9 per cent women in Uganda change names with marriages; they are then called by their husband's names. The change of name by marriage is automatic on production of a marriage certificate. Therefore, women are not required to make deed polls, advertise them and register change of names, a procedure ordinarily taken if one has to change a name. Most husbands do not like their wives to maintain their own names - therefore even if some women wanted to maintain their names, husbands would make it extremely difficult for them.

377. Women are legally free to choose any profession they like. The trouble is, few girls go to school mainly because, where parents don't have sufficient funds, they would rather pay

school fees for boys instead of girls; girls can be used to produce food and can be married off to bring wealth in terms of bride price. Even among those who go to primary school, few continue; some drop out because they are lured into marriages; other become pregnant and are expelled from school. The ones that continue to higher levels are already stereotyped with women's professions like stenography, teaching, nursing etc. As a result there are few women professionals in medicine, science, law, technology, etc.

378. For some particular jobs especially in managerial positions, men are preferred to women. Men are given more challenging work schedules because it is believed a woman would never manage. Occupation too can be influenced by a husband. More often than not husbands have stopped their professional wives from working; and.they get the cooperation of the wives' bosses. Sometimes women themselves want to go for lighter jobs - some believe that they may not manage challenging positions so they never compete for them.

Divorce

379. Divorce is available to both men and women but on different grounds. Section 5 of the Divorce Act Cap 215, spells out grounds for divorce. A husband can petition for divorce on only one ground i.e. "adultery" committed by his wife. Yet a wife has to petition for divorce on at least 2 grounds e.g. adultery with cruelty, bigamy with adultery, rape, sodomy or bestiality or adultly coupled with desertion etc. This is indeed unfair and discriminatory against women. Spouses should be allowed to have their marriage dissolved on equal grounds. This dichotomy ties a woman down to a marriage which may be already broken down or oppressive on her part as she may fail to get a minimum requirement of two grounds. The Divorce Act does not allow divorce by consent or agreement. Therefore either party must rely on matrimonial offences aforesaid. This is extremely unfair because sometimes a marriage may be irretrievably broken down and as it subsists it may cause more harm than good. This calls for amendment to allow divorce by consent or on the ground of irretrievable breakdown.

380. Section 22 of the Divorce Act provides for a husband to claim damage from a person who commits adultery with his wife. The reverse is not true. Section 23 of the same Act provides that a correspondent may be ordered to pay a whole or part of costs of the petition, if adultery is established against the petitioner's wife. The Act is silent on a woman petitioner. Not withstanding the foregoing, divorces are not very common in practice. This is partly because of the stringent legal requirement of the ground aforesaid. At the same time religion is against divorce especially the Catholic Church whereby when one divorces, he or she is refused is sacraments in Church. As previously mentioned even if one goes through a civil marriage, bride price is paid which is refundable on divorce. This is a limitation as some women feel that their fathers may not raise the refund. In customary marriages, divorce is almost unknown. This is due to cultural attitudes; everybody looks at divorce as a failure in life on the woman's part. Women feel they have no other way of survival. But where a marriage cannot continue at any cost, they can divorce.

381. As for Islamic marriages, wives are at the mercy of their husbands who exercise the right to divorce their wives. The husband pronounces 'Talak' to the wife three times. Thereafter a divorce is effected.

382. In civil marriages, after a successful petition for divorce, the court issues a 'Decree Absolute' and this serves as proof of divorce. In Islamic marriages, the Muslim Supreme Council issues a certificate of dissolution. In any case the marriage and divorce of Mohammedan Act Cap 213 requires marriages and divorces to be registered.

383. In any case most women lack financial resources and it would be difficult for courts to decide in their favour when they themselves have been 100 per cent reliant on husbands; they wouldn't provide enough requirements to the children as would their husbands. Divorced

husbands are by the law required to pay child support if custody is given to the wife. Divorced husbands are too under a legal obligation to pay maintenance to their divorced wives. Before a divorce petition is concluded, court can order the husband Alimony Pendent Lite (temporary alimony). In any case this should not exceed one-fifth of the husband's average net income for 3 years preceding the date of the order. It normally continues throughout the six month period between Decree Nisi and Decree Absolute which finally dissolves the marriage. Practically, the alimony is not adequate as for instance court takes into account only a salary if the husband is a salaried worker. It is not realistic and is not commensurate with the wife's prior station in life. Permanent alimony can be ordered by court to be paid by the husband to the wife either directly or through her trustees or representatives. Here court considers the ability of the husband and the fortune of the wife. It may be paid in instalments or in a lump sum. However, if divorce is due to her adultery, her own property is settled for the benefit of the husband and or children. There is however, no legal requirement for a wife to pay maintenance to her divorced husband.

Inheritance

384. According to the Succession Act, a widow can receive property under her husband's will. Likewise a daughter can receive property by will of her father. This property may be land, houses, chattels etc. A widow can get probate to administer her husband's estate if she was named executor in the will. If however, a will does not provide adequately for the widow, she can apply to court so that reasonable provision can be made for her from the Intestate. In cases of estate succession, a widow has a priority right over anybody else to apply for letters for administration. She can, therefore, administer her husband's estate if 'Letters of Administration' are granted to her. Children are second in priority to apply for administration of their father's estate. A widow has an impeccable right to her matrimonial home and the right to till the land until she dies or re-marries. In such cases the matrimonial home reverts to the customary heir but for the benefit of children both female and male below the ages of 18 and 21 respectively.

385. To protect her right further, the law provides that a widow can apply for a certificate of occupancy to the matrimonial home. Her right then becomes paramount to any subsequent buyer or mortgagor. However, the widow has no right to mortgage the matrimonial home.

386. In Intestate succession, all women who are legally married and were not separated from the deceased at the time of death are entitled to share - 15 per cent of the value of the estate.

387. All children male and female, legitimate or not are entitled to share 75 per cent of the value of the estate equally. Dependent relatives get a share of 9 per cent and a customary heir 1 per cent. Sometimes customary practices may be used and distribution is done according to custom. Such distribution is however, subject to approval of court.

388. Thanks to customary practices, levirate is still practised in few communities; more often than not the widow is not forced to, but makes her choice to be inherited or not by her in-laws. However the AIDS epidemic has greatly reduced the desirability of this practice.

389. As regards wife abuse there is no specific law providing for it. Many husbands beat up wives and men beat up girl friends with impunity. The Penal Code Act Cap 106, makes it a crime for anybody to assault, cause harm, or grievous harm and or maim another person. Therefore wife beating, falls under these acts. However, in practice the Police has sent off victims of domestic violence on the pretext that such are domestic and not criminal matters. A lot of education of Police Personnel and other law enforcement agencies is required. A specific law on violence against women would also better the situation.